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Air Pollution Regulations in State Implementation Plans: Ohio

Abcor Inc, Wilmington, MA Walden Div

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Office of Air Quality
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August 1978

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Air Pollution Regulations in State Implementation Plans:

Ohio

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

Ohio

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

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Publication No. EPA-450/3-78-085

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

OHIO

Submittal Date	Approval Date	Description
7/7/72	7/27/72	AP-3-11, 12, 13, 14 AP-9-04 Note: SO_2 Regulations disapproved 4/15/74
8/4/72	5/14/73	AP-2-01, 02, 04, 05 AP-3-01, 08, 09, 13 AP-9-01, 02, 03
10/12/72	5/14/73	AP-13-01, 02
7/16/75	9/23/76	AP-3-04, AP-5-04, AP-7-03, EP32-03 Note: AP-5-04, AP-7-03, EP-32-03 are disapproved. EP-32-03 is approved for particulate matter

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Section No.	Description
52.1878	Inspection and Maintenance Program
52.1879	Review of New or Modified Indirect Sources Review of New Sources and Modifications
52.1881	Control Strategy: Sulfur Oxides (sulfur dioxide)
52.1882	Compliance Schedules
52.1884	Prevention of Significant Deterioration

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- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
- 3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS
- 4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)
  - 4.1 PARTICULATES
  - 4.2 SULFUR DIOXIDE
  - 4.3 NITRIC OXIDES
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(1.0) AP-2-01. Definitions.

As used in all air pollution regulations, except as may be otherwise specifically provided:

(A) "Act" means Chapter 3704 of the Ohio Revised Code.

(B) "Air pollutant" means particulate matter, dust, fumes, gas, mist, smoke, vapor or odorous substances, or any combination thereof.

(C) "Air pollution" means the presence in the ambient air of one or more air pollutants or any combination thereof in sufficient quantity and of such characteristics and duration as is or threatens to be injurious to human health or welfare, plant or animal life, or property, or which interferes with the comfortable enjoyment of life or property.

(D) "Ambient air" means that portion of the atmosphere outside of buildings and other enclosures, stacks, or ducts which surrounds human, plant, or animal life, or property.

(E) "Ambient air quality standards" means ambient air quality goals expressed numerically and intended to be attained and maintained in a stated time through the application of appropriate preventive or control measures.

(F) "ASME" means the American Society of Mechanical Engineers, 345 East 47th Street, New York, New York.

(G) "ASTM" means the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania.

(H) "Area" means the State of Ohio.

(I) "Board" means Ohio Air Pollution Control Board.

(J) "Control equipment" means any device or contrivance which prevents or reduces emissions.

(K) "Emission" means the act of releasing or discharging any air pollutant into the ambient air from any source.

(L) "Existing source" means any building, structure, facility, operation, installation or other physical facility which emits or may emit any air pollutant and the construction of which was commenced prior to the effective date of this regulation.

(M) "New source" means any stationary source of pollution, the construction or modification of which is commenced after the effective date of this regulation.

(N) "Modification" means any physical change in, or change in the method of operation of, a stationary source of pollution which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted from the same location.

(O) "Person" means the state or any agency thereof, any political subdivision, or any agency thereof, public or private corporation, individual, partnership, or other entity.

(P) "Region" means an air quality control region as designated by the Secretary of Health, Education and Welfare, or by the Administrator, Environmental Protection Agency, or by the Board.

(Q) "Source" means any operation, or real or personal property, or person which emits or may emit any air pollutant.

(R) "Source operation" means the last operation preceding emission which operation (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants, as in the case of combustion fuel; and (b) is not an air pollution abatement operation.

(S) "Stack" means any chimney, flue, conduit, or duct arranged to conduct emissions to the ambient air.

(T) "Standard conditions" means a dry gas temperature of seventy (70) degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

Former regulation AP-2-01 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.

(2.0) AP-2-02. Purpose.

It is the purpose of all air pollution regulations to set forth such requirements as shall be necessary to secure and maintain those levels of air quality which are consistent with the protection of health and the prevention of injury to plant, animal life, and property in the State of Ohio, and to provide for the comfortable enjoyment of the natural attractions of the State to the greatest extent practical. All regulations of the Board shall be construed in such manner as to effectuate this purpose.

Former regulation AP-2-02 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.)

(13.0) AP-2-03. Submission of emission information.

The Board may require the keeping and periodic submission of records and reports, including but not limited to, information on air contaminants, emissions or fuel from any or all potential sources for purposes of maintaining an air pollution emission inventory or any other reasonable purpose as determined by the Board. Such information shall be recorded, compiled, and submitted on forms furnished by the Board.

(9.0) AP-2-04. Measurement of emissions of air contaminants.

(A) The Board may require any persons responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source whenever the Board has reason to believe that an emission in excess of that allowed by these regulations is occurring or has occurred from time to time. All tests shall be conducted by qualified persons and the results calculated in accordance with test procedures approved by the Board. The owner or his authorized agent shall notify the Board in writing of the time, place, and person who will conduct the tests and the Board or its representative shall be permitted to witness the tests. The Board shall be furnished with a written report of test results no later than thirty (30) days after completion of the tests and such report shall be signed by the person or persons responsible for the tests.

(B) The Board may conduct tests of emissions of air contaminants from any source. Upon request of the Board the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

(C) The Board may install, or require the owner or operator of any source of air contamination, at his expense, to install, use, and maintain monitoring equipment, and to sample his emissions in accordance with methods approved by the Board.

Former regulation AP-2-04 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.)

(6.0) AP-2-05. Control plan compliance schedule.

Except as otherwise specified, compliance with the provisions of all regulations of the Board shall be according to the following time schedule:

(A) New source.

All new sources shall comply as of initial operation.

(B) Existing sources.

All owners or operators of existing sources of air contamination shall demonstrate to the satisfaction of the Board that such sources are in compliance with all regulations of the Board. All existing sources not in compliance as of the effective date of this regulation shall, by the time required in AP-9-04 for submission of a variance application, cease any operation which results in a violation of any regulations of the Board, or else prepare and submit to the Board, as required by AP-9-04, a control plan, including necessary emission data, and schedule for achieving compliance, such plan and schedule to contain a date on or before which full compliance will be attained, and such other information as the Board may require. Such plan may be approved modified, or rejected by the Board. If approved by the Board, such date will be the date on which the person shall comply. The Board may require persons submitting such a plan to submit subsequent periodic reports on progress in achieving compliance. If a compliance schedule is rejected, the operation for which a variance is sought shall cease.

Former regulation AP-2-05 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.)

(7.0) (13.0) AP-2-06. Malfunction of equipment; scheduled maintenance; reporting.

(A) In the case of shutdown of air pollution control equipment for necessary scheduled maintenance unaccompanied by shutdown of the pollution source, the intent to shut down such equipment shall be reported to the Board at least twenty-four (24) hours prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:

(1) Identification and location of the specific facility to be taken out of service.

(2) The expected length of time that the air pollution control equipment will be out of service.

(3) The nature and quantity of emissions of air contaminants likely to occur during the shutdown period.

(4) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

(5) The reasons that it would be impossible or impractical to shut down the source operation during the maintenance period.

(6) A demonstration that any interim control measures have reduced or will reduce emissions from the source during the shut down period.

(B) In the event that any emission source, air pollution control equipment, or related facility breaks down in such a manner as to cause the emission of air contaminants in violation of this article, the person responsible for such equipment shall immediately notify the Board of such failure or breakdown and provide a statement giving all pertinent facts, including the estimated duration of the breakdown. The Board shall be notified when the condition causing the failure or breakdown has been corrected and the equipment is again in operation.

(C) The Board retains the responsibility to evaluate any report submitted pursuant to this section. Upon a determination that the shutdown was or has become avoidable, or was induced or prolonged in bad faith, or that the requirements of AP-2-06(A) (4), (5), and (6) have not been fulfilled, then the Board shall take appropriate action.

(50.7) AP-2-07. Air Pollution nuisances prohibited.

The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors or any other substances or combinations of substances, in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety or welfare of the public, or is unreasonably offensive and objectionable to the public, or shall cause unreasonable injury or damage to property or interfere with the comfortable enjoyment of property or normal conduct or business, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit, or maintain any such public nuisance.

(2.0) AP-2-08. Circumvention.

No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount or air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate any regulations of the Board.

(2.0) AP-2-09. Severability.

If any provision of any regulation of the Board or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of such regulations which can be given effect without the invalid provisions or application, and to this end the provisions of all Board regulations and the various applications thereof are declared to be severable.

(1.0) AP-3-01. Definitions.

As used in regulations AP-3-01 to AP-3-14, inclusive:

(A) "Agricultural wastes" means any refuse, except garbage and dead animals, generated on a farm or ranch by crop and livestock production practices, including such items as bags, cartons, dry bedding, structural materials, and landscape wastes which are generated in agricultural activities.

(B) "Domicile waste" means any refuse generated on single-family domiciliary property as a result of domiciliary activities. The term includes landscape waste, but excludes garbage and trade waste.

(C) "Fuel-burning equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

(D) "Fugitive dust" means air contaminants emitted from any source other than a flue or stack.

(E) "Garbage" means refuse resulting from the handling, processing preparation, cooking, and consumption of food or food products.

(F) "Incinerator" means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn refuse or to process refuse material by burning other than by open burning as defined herein.

(G) "Landscape waste" means any vegetable or plant refuse, except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings, and crop residues.

(H) "Opacity" means a state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

(I) "Open burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through a stack, duct or chimney.

(J) "Particulate matter" means any material, except water in uncombined form, that is or has been airborne, and exists as a liquid or a solid at standard conditions.

(K) "Process weight" means the total weight of all materials introduced into the source operation including solid fuels, but excluding gaseous fuels and liquid fuels when they are used solely as fuels and excluding air introduced for the purpose of combustion.

(L) "Refuse" means any discarded matter; or any matter which is to be reduced in volume, or otherwise changed in chemical or physical properties, in order to facilitate its discard, removal or disposal.

(M) "Restricted areas" means the area within the boundaries of any "Municipal Corporation" as defined in the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipality having a population of 1,000 to 10,000 and a zone extending one mile beyond the boundaries of any such municipality having a population of 10,000 or more according to the latest federal census.

(N) "Ringelmann Chart" means the chart published and described in the United States Bureau of Mines Information Circular 8333 (May 1967).

(O) "Single fuel burning unit" means any enclosed combustion chamber in which fuel is burned for the primary purpose of producing heat or power by indirect heat transfer.

(P) "Trade waste" means any refuse resulting from the prosecution of any trade, business, industry, commercial venture, utility or service activity, and any government or institutional activity, whether or not for profit. The term includes landscape waste but excludes agricultural waste.

(Q) "Uncontrolled mass rate of emmission" means the total weight rate at which particulate matter is, or in the absence of an air cleaning device would be, emitted from an air contaminant source when such source is operated at its maximum rated capacity.

Former regulation AP-3-01 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.)

3745-17-04 Compliance Time Schedule.

Attainment of established air quality standards for particulate matter and sulfur dioxide within the area, through the orderly application of pollution control techniques, shall be accomplished as soon as possible, but in no event shall such time be later than April 15, 1977.

Effective Date: July 28, 1975
Former Rule Number: AP-3-04
Promulgated under: RC Chap. 119
Statutory Authority: RC §3704.03

(2.0) AP-3-06. Classification of regions.

(A) Classification of regions shall be based upon measured ambient air quality where known or, where not known, estimated air quality in the area of maximum pollutant concentration. Each region shall be classified separately with respect to sulfur oxides and particulate matter. Each region shall also be classified into one of three categories, defined as Priority I, Priority II, or Priority III. Ambient concentration limits (expressed as micrograms per cubic meter) which define the classification system for sulfur oxides and particulate matter are:

	PRIORITY		
	I	II	III
	Greater than	From - To	Less than
Sulfur oxides:			
Annual arithmetic mean...	100	60-100	60
24-hour maximum..........	455	260-455	260
Particulate matter:			
Annual geometric mean....	95	60-95	60
24-hour maximum..........	325	150-325	150

(B) The more restrictive classification shall be chosen where there is a difference between the 24-hour maximum value and the annual average, e.g., if a region is Priority I with respect to an annual average and Priority II with respect to a 24-hour maximum value, the classification shall be Priority I.

(50.1.2) AP-3-07 Control of visible air contaminants from stationary sources.

(A) Emission limitation.

(1) No person shall discharge into the atmosphere from any

single source of emission whatsoever any air contaminant of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann chart or 20 percent opacity, except as set forth in subsection (A)(2) and section (B) of this regulation.

(2) A person may discharge into the atmosphere from any single source of emission for a period or periods aggregating not more than three minutes in any sixty minutes or for a period of time deemed necessary by the Board, air contaminants of a shade or density not darker than No. 3 on the Ringelmann chart or 60 percent opacity.

(B) Uncombined water.

It shall be deemed not to be a violation of this regulation where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this regulation.

(51.13) AP-3-08. Open burning prohibited.

(A) No person shall cause or allow open burning, except as provided in sections (B) and (D) of this regulation.

(B) Exceptions to prohibition against open burning. The following activities are not in violation of section (A) of this regulation. Nothing in this section shall exempt such activities from applicable local restrictions.

(1) The open burning of agricultural waste, but only:

(a) On the premises on which such waste is generated: and

(b) In areas other than restricted areas; and

(c) When atmospheric conditions will readily dissipate contaminants, except as open burning at night may be necessary for the protection of agricultrual crops against frost damage; and

(d) If such burning does not create a visibility hazard on roadways, railroad tracks, or air fields; and

(e) At a point on the premises most remote from residential or populated areas, and no less than 1000 feet from such residential or populated areas; and

(f) After such waste has been stacked and dried in a manner to provide the best practicable conditions for efficient burning.

(2) The open burning of domicile waste, but only;

   (a) On the premises on which such waste is generated; and

   (b) In areas other than restricted areas; and

   (c) When atmospheric conditions will readily dissipate contaminants; and

   (d) If such burning does not create a visibility hazard on roadways, railroad tracks, or airfields;

   (e) Notwithstanding paragraph (b) of this subsection (2), this exception shall apply to residents in restricted areas who do not have regular public or commercial refuse collection service available to them, but only until such refuse collection service becomes available or until July 1, 1975, whichever is sooner.

(3) The setting of fires to combat or limit existing fires, when necessary in the judgment of the fire chief having jurisdiction.

(4) The burning of fuels for legitimate campfire and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.

(5) The burning of waste gases, provided that in the case of refineries all such flares shall be equipped with smokeless tips or comparable devices to reduce pollution.

(6) Small open flames for heating tar, for welding, acetylene torches, highway safety flares,and the like.

(7) Open burning for the following purposes when a written request for permission to conduct such burning is submitted to the Board and written permission is granted by the Board;

   (a) For instruction in methods of fire fighting when such burning is part of a prescribed course in methods of fire fighting, or for research in control of fires;

   (b) For the destruction of vegetation on site under circumstances in which its removal would necessitate significant environmental damage, and where no environmentally sound means of removal exists.

   (c) For research conducted, supervised or approved by federal, state or local agencies in or management or wildlife habitat, marsh, prairie, forest, and natural area ecosystems.

(d) For the destruction of landscape wastes, provided that such burning shall not occur;

(i) In restricted areas; or

(ii) In non-restricted areas, unless burning is conducted with the aid of an air-curtain destructor or other device at least as effective to reduce emissions substantially and atmospheric conditions are such as to readily dissipate contaminants, and such burning does not create a visibility hazard on roadways, railroad tracks, or airfields; or

(iii) Within 1,000 feet of any residence or other populated area.

(e) For the emergency destruction of oil sludges in petroleum production for safety reasons where alternative means including product recovery are impracticable; provided, that when emergency conditions require, such burning may be done without written permission and a report shall be filed with the Board within ten days, thereafter, indicating the place and time of such burning, the quantities burned, the meteorological conditions, and the reasons why emergency burning was necessary.

(C) Application for permission to open burn.

(1) An application for permission to open burn shall be in such form and shall contain such information as shall be required in procedures adopted by the Board. Such application shall contain, as a minimum, data and information sufficient to inform the Board with respect to: the quantities and types of material to be burned; the nature and quantities of air contaminant emissions which will result, where possible to determine; the frequency, including the date where appropriate, when such burning will take place; the location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; the methods or actions which will be taken to reduce the emission of air contaminants; the reasons why alternatives to open burning are not available; and the reasons why such burning is necessary to the public interest;

and the subsection of this regulation which authorizes said open burning.

(2) Permission to open burn shall not be granted unless the applicant proves to the satisfaction of the Board that the open burning: is necessary to the public interest; will be conducted in such a time, place and manner as to minimize the emission of air contaminants; will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Board may impose such conditions as may be necessary to accomplish the purposes of this regulation.

(3) Permission to open burn shall be required for each specific project.

(4) Violation of any of the conditions set forth by the Board in granting permission to open burn shall be grounds for revocation of such permission as well as for other sanctions provided in the Act.

(D) Hazardous wastes.

Open burning of wastes creating a hazard of explosion, fire, or other serious harm, unless authorized by other provisions in this regulation, shall be permitted only upon application for and granting of written permission by the Board as provided by section (C) of this regulation.

Former regulation AP-3-08 adopted January 28, 1972, and effective February 15, 1972, is rescinded.

(Adopted July 24, 1972; effective August 7, 1972.)

(50.1) AP-3-09. Restriction of emission of fugitive dust and gases.

(A) No person shall cause or permit any materials to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborn. Such reasonable precautions shall include, but not be limited to, the following:

(1) Use, where possible, water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;

(2) Application of asphalt, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can create airborne dusts;

(3) Installation and use of hoods, fans, and control equipment to enclose, contain, capture and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;

(4) Covering, at all times when in motion, open bodied vehicles transporting materials likely to become airborne;

(5) Conduct of agricultural practices such as tilling of land, application of fertilizers, etc., in such manner as to prevent dust from becoming airborne;

(6) The paving of roadways and their maintenance in a clean condition;

(7) The prompt removal of earth or other material from paved streets onto which earth or other material has been deposited by trucking or earth moving equipment or erosion by water or other means.

(B) When dust, fumes, gases, mist, odorous matter, vapors, smoke, other particulate matter or any combination thereof escape from a building or equipment in such manner and amount as to cause a nuisance or to violate AP-3-07 or any other regulation, the Board may order that the building or equipment in which processing, handling and storage are done be tightly closed and ventilated in such a way that all air and gases and air or gas-borne material leaving the building or equipment are treated by removal or destruction of air contaminants before discharge to the open air.

Former regulation AP-3-09 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.)

(51.9) AP-3-10. Restriction on emissions from incinerators.

(A) General provisions.

(1) This regulation shall apply to any incinerator used to dispose of refuse or other wastes by burning and to the processing or salvable material by burning. Notwithstanding definitions in other regulations, as used in this regulation the word refuse includes garbage, rubbish, trade wastes,

leaves, salvable material, agricultural wastes, and other wastes.

(2) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Board in accordance with good engineering practices. In case of conflict, the determination made by the Board shall govern.

(3) The amount of particulate matter emitted from any incinerator shall be determined according to American Society of Mechanical Engineer's Power Test Codes - PTC-27 dated 1957 and entitled "Determining Dust Concentrations in a Gas Stream", which publication is made part of this regulation by reference. Emission tests shall be conducted at maximum burning capacity of the incinerator.

(4) For the purposes of this regulation the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

(B) Emission limitation.

No person shall cause, suffer, or allow to be emitted into the atmosphere from any incinerator or to pass a convenient measuring point near the stack outlet, particulate matter in the exhaust gases to exceed: 0.10 pounds per 100 pounds of combustible refuse charged, for incinerators having capacities equal to or greater than 100 pounds per hour; or 0.2 pounds per 100 pounds of combustible refuse charged for incinerators having capacities less than 100 pounds per hour.

(c) Design-operation requirements.

Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.

(51.5) AP-3-11. Restriction on emission of particulate matter from fuel burning equipment.

(A) General provisions.

(1) This regulation applies to installations in which fuel is burned for the primary purpose of producing heat or power by indirect heat transfer. Fuels include those such as coal, coke, lignite, coke breeze, fuel oil, and wood but do not include refuse. When any products or by-products of a manufacturing process are burned for the same purpose or in

conjunction with any fuel, the same maximum emission limitations shall apply.

(2) The heat content of coal shall be determined according to ASTM method D-271-68 Laboratory Sampling and Analysis of Coal or Coke or ASTM method D-2015-66 Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter, which publications are made a part of this section by reference.

(3) For purposes of this regulation the heat input shall be the aggregate heat content of all fuels whose products of combustion emanate from a single fuel burning unit. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units on a plant or premises which are united either physically or operationally, shall be used for determining the maximum allowable amount of particulate matter which may be emitted from any single fuel burning unit.

(4) The amount of particulate matter emitted shall be measured according to the American Society of Mechanical Engineer's Power Test Codes - PTC-27 dated 1957 and entitled "Determining Dust Concentrations in a Gas Stream", which publication is made a part of this section by reference.

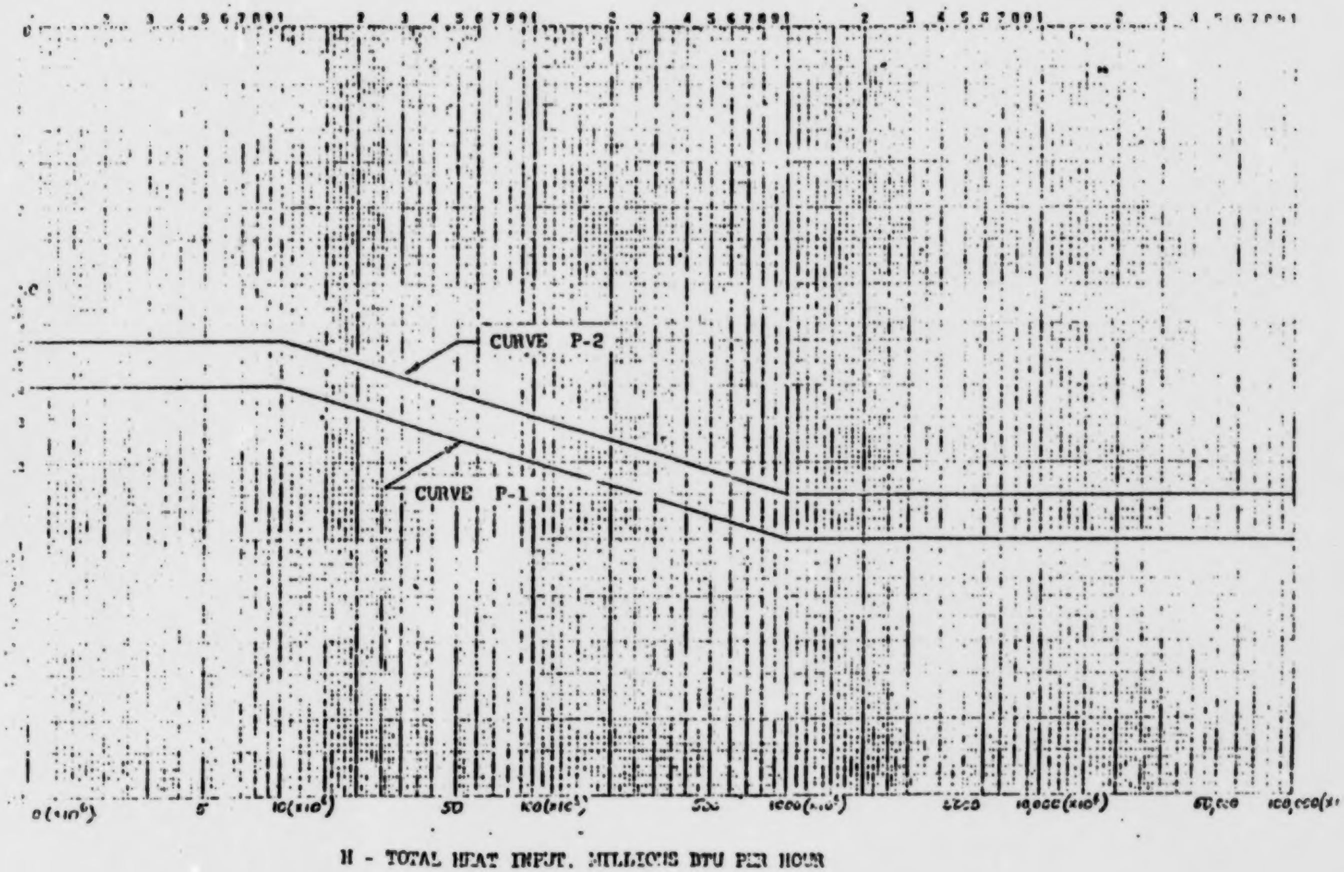
(B) Emission limitations.

(1) No person shall cause, suffer, allow or permit the emission of particulate matter, caused by combustion of fuel in fuel-burning equipment from any stack or chimney in excess of the quantity set forth in the following Figure I.

(2) All persons located within air quality control regions classified as Priority I Regions shall attain or exceed that degree of emission reduction specified by Curve P-1 by the effective date of this regulation.

(3) All persons located within air quality control regions classified as Priority II and III Regions shall attain or exceed that degree of emission reduction specified by Curve P-2 by the effective date of this regulation.

(Adopted July 6, 1972; effective July 17, 1972.)


CURVE P-2
CURVE P-1
1(x10⁶)
5
10(x10⁶)
50
100(x10⁶)
500
1000(x10⁶)
5000
10,000(x10⁶)
50,000
100,000(x10⁶)
H - TOTAL HEAT INPUT, MILLIONS BTU PER HOUR

(50.1.1)AP-3-12. Restriction of emission of particulate matter from industrial processes.

(A) General provisions.

(1) This regulation applies to any operation, process, or activity from which particulate matter is emitted except (a) the burning of fuel for the primary purpose of producing heat or power by indirect heating in which the products of combustion do not come into direct contact with process materials, (b) the burning of refuse, and (c) the processing of salvageable material by burning.

(2) Emission restriction requirements for sources not exempted under subsection (A)(1) above are specified in Figure IX and in Table I. Figure II relates Uncontrolled Mass Rate of Emission (abscissa) to maximum allowable mass rate of emission (ordinate). Table I relates process weight of materials introduced into any specific process that may cause any emission of particulate matter to maximum allowable mass rate of emission. Table I shall apply in Priority I regions where the Uncontrolled Mass Rate of Emission cannot be ascertained and where an emission factor characterization for the process is unknown. Curve P-1 of Figure II shall apply in Priority I regions where the Process Weight Rate cannot be ascertained. In all cases, the more stringent of the two requirements shall apply where both are termed applicable.

(3) Compliance with the limits specified in section (B) of this regulation shall be determined by sampling and other measurements made at the air contamination source or sources prior to the point at which air contaminants are emitted to the atmosphere. The uncontrolled mass rate of emission may be determined by sampling in the stack upstream from the inlet of the control equipment. Estimating techniques approved by the Board may be substituted for the above required source testing.

(4) Emission tests relating to this regulation shall be made following the standards in the American Society of Mechanical Engineers Power Test Codes ii - PTC-27 dated 1957 and entitled, "Determining Dust Concentration in a Gas Stream", or as modified by the Board to suit specific sampling needs or conditions.

(5) For purposes of Figure II, the total uncontrolled mass rate of emission from all similar process units at a plant, such units being united either physically or operationally, or

otherwise located in close proximity to each other, shall be used for determining the maximum allowable mass rate of emission of particulate matter that passes through a stack or stacks.

(6) For purposes of Table I, process weight per hour is the total weight of all materials introduced into any single, specific process that may cause any emission of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time.

(B) Emission limitations.

(1) No person shall cause, suffer, allow, or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in the following Figure II.

(2) All persons located within air quality control regions classified as Priority I regions shall attain or exceed that degree of emission reduction specified by Curve P-1 of Figure II or by Table I, whichever is applicable under subsection (A)(2) by the effective date of this regulation.

(3) All persons located within air quality control regions classified as Priority II regions shall attain or exceed that degree of emission reduction specified by Curve P-2 of Figure II by the effective date of this regulation.

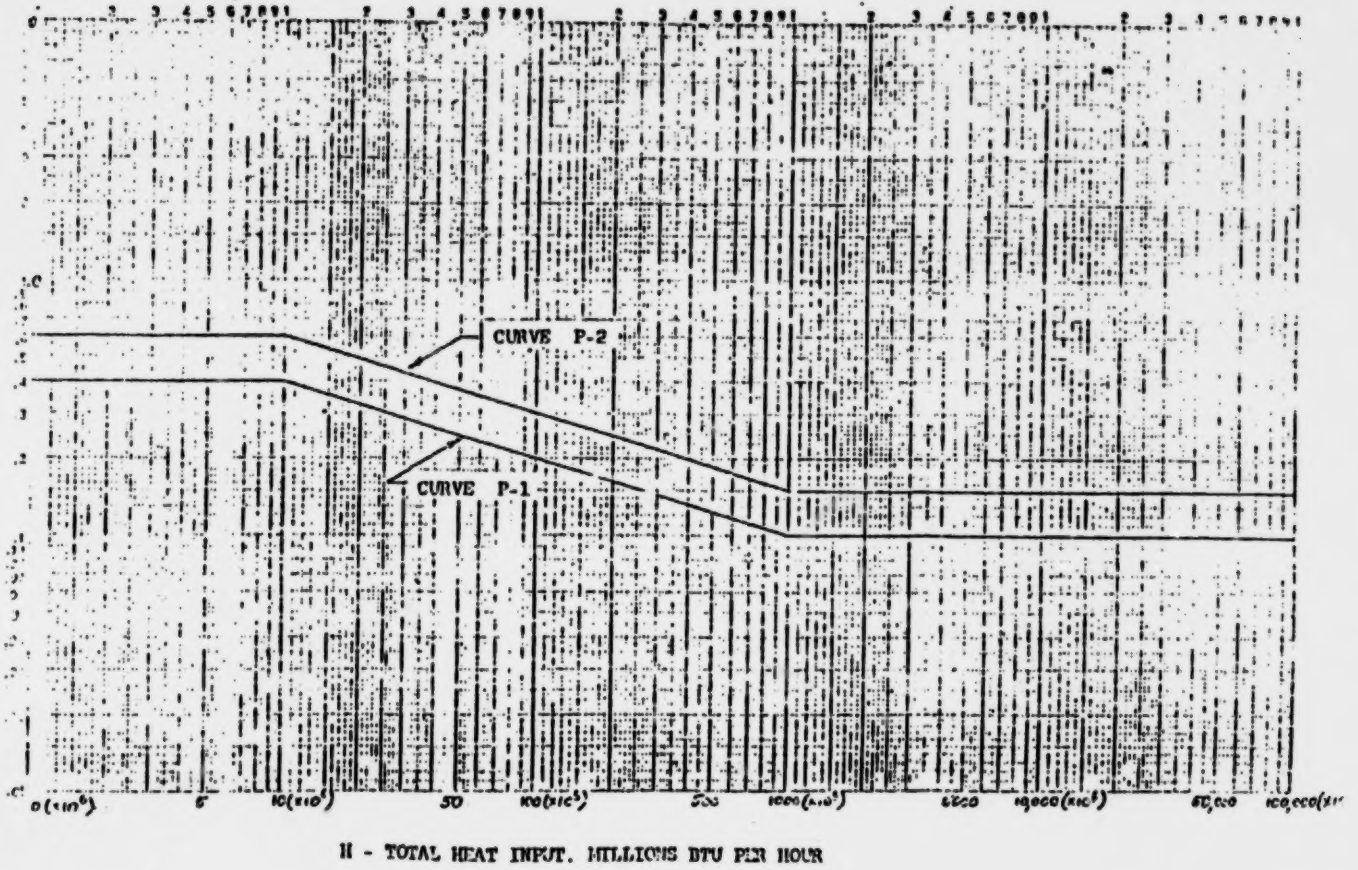

CURVE P-2
CURVE P-1
2 3 4 5 6 7 8 9 1 2 3 4 5 6 7 8 9 1 2 3 4 5 6 7 8 9 1 2 3 4 5 6 7 8 9 1 2 3 4 5 6 7 8 9 1
1($\times 10^6$)
5
10($\times 10^6$)
50
100($\times 10^6$)
500
1000($\times 10^6$)
5000
10,000($\times 10^6$)
50,000
100,000($\times 10^6$)
H - TOTAL HEAT INPUT, MILLIONS BTU PER HOUR

TABLE I

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

PROCESS WEIGHT RATE		RATE OF EMISSION	PROCESS WEIGHT RATE		RATE OF EMISSION
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.96	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E = 4.10\ P^{0.67}$, and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation: $E = 55.0\ P^{0.11} - 40$, where E = rate of emission in lb/hr and P = Process weight rate in tons/hr.

(4) All persons located within air quality control regions classified as Priority III regions shall attain or exceed that degree of emission reduction specified by Curve P-3 of Figure II by the effective date of this regulation.

(Adopted July 6, 1972; effective July 17, 1972.)

(1.0) AP-5-01. Definitions.

As used in regulations AP-5-01 to AP-5-08, inclusive:

(A) "Organic material" means any chemical compound containing carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(B) "Liquid organic material" means any organic material which is a liquid at standard conditions.

(C) "Photochemically reactive material" means any liquid organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of liquid:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic hydrocarbons with eight or more carbon atoms to the molecule except ethyl benzene: 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic material or any constituent of an organic material may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of liquid.

(D) "Volatile photochemically reactive material" means any photochemically reactive material which has a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions.

(E) "Submerged fill pipe" means any fill pipe the discharge opening of which is entirely submerged when the liquid level is six (6) inches above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe the discharge opening of which is entirely submerged when the liquid level is eighteen (18) inches above the bottom of the tank.

(F) "Effluent water separator" means any tank, box, sump, or other container in which any volatile photochemically reactive material floating on or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(G) "Architectural coating" means any coating used for residential or commercial buildings and their appurtenances, or industrial buildings.

(2.0) AP-5-06. Classification of regions.

(A) Classification of regions shall be based upon measured ambient air quality where known or, where not known, estimated air quality in the area of maximum pollutant concentration. Each region shall be classified separately with respect to carbon monoxide and photochemical oxidants. Each region shall also be classified into one of two categories, defined as Priority I or Priority III. Classifications with respect to hydrocarbons will be the same as the classifications with respect to photochemical oxidants. Ambient concentration limits which define the classification system are:

(1) Carbon monoxide: Priority I: Equal to or above 55 milligrams per cubic meter (48 ppm), 1-hour maximum, or 14 milligrams per cubic meter (12ppm), 8-hour maximum; Priority III: Below such values.

(2) Photochemical oxidants: Priority I: Equal to or above 195 micrograms per cubic meter (0.10 ppm), 1-hour maximum; Priority III: Below such value.

(B) In the absence of measured data to the contrary classification with respect to carbon monoxide, hydrocarbons and photochemical oxidants will be based on the following estimate of the relationship between these pollutants and population: Any region containing an area whose 1970 "urban place" population, as defined in the United States Bureau of Census, exceeds 200,000 will be classified Priority I. All other regions will be classified Priority III.

(50.4) AP-5-07. Control of emissions of organic materials from stationary sources.

(A) These regulations are applicable to all existing stationary sources located within a Priority I region and to all new stationary sources regardless of location.

(B) Except as otherwise provided in these regulations, all new stationary emission sources of photochemically reactive materials shall minimize such emissions by use of the latest available control techniques and operating practices in accordance with best current technology.

(C) Nothing in this regulation shall be construed to preclude the use of alternative means to abate emissions, if such alternative is approved by the Board and will not result in emissions significantly greater than would result from the application of the means specified herein.

(D) Storage of volatile photochemically reactive materials.

(1) No person shall place, store, or hold in any stationary tank reservoir or other container of more than 65,000 gallons capacity any volatile photochemically reactive material unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped with one of the following vapor loss control devices:

(a) A floating pontoon or double-deck type cover equipped with closure seals to enclose any space between the cover's edge and compartment wall. This control equipment shall not be permitted if the volatile photochemically reactive material has a vapor perssure of 12.5 pounds per square inch absolute or greater under actual storate conditions. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(b) A vapor recovery system which reduces the emission of organic materials into the atmosphere by at least 90 percent by weight. All tank gauging or sampling devices shall be gas-tight except when tank gauging or sampling is taking place.

(c) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Board.

(2) No person shall place, store, or hold in any stationary storage vessel of more than 500-gallon capacity any volatile photochemically reactive material unless such vessel is equipped with a permanent submerged fill pipe, is loaded through the use of a portable loading tube which can be inserted below the liquid level line during loading

operations, or is a pressure tank as described in subsection (D)(1) of this regulation or is fitted with a vapor recovery system as described in subsection (D)(1)(b) of this regulation.

(E) Volatile photochemically reactive materials loading facilities.

(1) No person shall load in any one day more than 40,000 gallons of any volatile photochemically reactive material into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system properly installed, in good working order, in operation, and consisting of one of the following:

(a) An adsorber system or condensation system which processes and recovers at least 90 percent by weight of all vapors and gases from the equipment being controlled.

(b) A vapor handling system which directs all vapors to a fuel gas system.

(c) Other equipment or means for purposes of air pollution control as may be acceptable to and approved by the Board.

(2) All loading from facilities subject to the provisions of subsection (E)(1)(a) and (E)(1)(b) of this regulation shall be accomplished in such a manner that all displaced vapors and gases shall be vented only to the vapor collection system. A means shall be provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

(F) Volatile photochemically reactive material/water separation.

(1) No person shall use any compartment of any vessel or device operated for the recovery of volatile photochemically reactive materials from an effluent water separator which recovers 200 gallons a day or more of any volatile photochemically reactive material unless such compartment is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

(a) A solid cover with all openings sealed and totally enclosing the liquid contents of the compartment. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(b) A floating pontoon or double-deck type cover equipped with closure seals to enclose any space between the cover's edge and compartment wall. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(c) A vapor recovery system which reduces the emission of organic materials into the atmosphere by at least 90 percent by weight. All gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

(d) Other equipment or means of air pollution control as may be approved by the Board.

(G) Operations using liquid organic materials.

(1) A person shall not discharge more than 15 pounds of organic materials into the atmosphere in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment, or other contrivance in which any liquid organic material or substance containing liquid organic material comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent.

(2) A person shall not discharge more than 40 pounds of organic material into the atmosphere in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment, or other contrivance used under conditions other than described in subsection (G)(1) of this regulation for employing, applying, evaporating or drying any photochemically reactive material, unless said discharge has been reduced by at least 85 percent.

(3) Any series of articles, machines, equipment or other contrivances designed for processing a continuously moving sheet, web, strip, or wire which is subjected to any combination of operations described in subsection (G)(1) or (G)(2) of this regulation involving any photochemically reactive material, or substance containing such photochemically reactive material, shall be subject to compliance with subsection (G)(2) of this regulation. Where only nonphotochemically reactive materials or substances containing only nonphotochemically reactive materials are employed or applied, and where any portion or portions of said series of articles, machines, equipment, or other contrivances involves operations described in subsection (G)(1) of this regulation, said portions shall be collectively subject to compliance with subsection (G)(1) of this regulation.

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(4) Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive materials of any article, machine, equipment, or other contrivance described in subsection (G)(1), (G)(2), or (G)(3) of this regulation, shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this regulation.

(5) Emissions of organic materials to the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in subsection (G)(1), (G)(2), or (G)(3) of this regulation, shall be included with other emissions of organic materials from that article, machine, equipment, or other contrivance, for determining compliance with this regulation.

(6) Emissions of organic materials into the atmosphere required to be controlled by subsection (G)(1), (G)(2), or (G)(3) of this regulation, shall be reduced by:

  (a) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

  (b) Adsorption, or

  (c) Processing in a manner determined by the Board to be not less effective than (a) or (b) above.

(7) A person incinerating, adsorbing, or otherwise processing liquid organic materials pursuant to this rule shall provide, properly install, and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Board, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(8) Any person using liquid organic materials or substances containing liquid organic materials shall supply the Board, upon request and in the manner and form prescribed by the Board, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(9) The provisions of section (G) of this regulation shall not apply to:

(a) The use of equipment for which other requirements are specified by sections (D), (E), and (F) of this regulation, or which are exempt from air pollution control requirements by said sections.

(b) The spraying or other employment or insecticides, pesticides, or herbicides.

(c) The use of any material, in any article, machine, equipment or other contrivance described in subsection (G)(1), (G)(2), (G)(3), or (G)(4) of this regulation, if:

  (i) the volatile content of such material consists only of water and liquid organic material, and

  (ii) the liquid organic material comprises not more than 20 percent of said volatile content, and

  (iii) the volatile content is not a photochemically reactive material.

(d) The use of any material, in any article, machine, equipment or other contrivance described in subsection (G)(1), (G)(2), (G)(3), or (G)(4) of this regulation, if:

  (i) the volatile content of such material does not exceed 20 percent by volume of said material, and

  (ii) the volatile content is not a photochemically reactive material.

(e) The use, in any article, machine, equipment, or other contrivance described in subsection (G)(1), (G)(2), (G)(3), or (G)(4), of liquid organic materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure, or having an equivalent vapor pressure, unless such liquid organic material is exposed to temperatures exceeding 220°F.

(f) The use of any material, in any article, machine, equipment or other contrivance described in subsection (G)(1), (G)(2), (G)(3), (G)(4), if it can be demonstrated to the Board's satisfaction that the emissions of organic materials into the atmosphere from such article, machine, equipment or other contrivance are not photochemically reactive.

(H) Architectural coatings.

(1) A person shall not sell or offer for sale for use in containers of greater than 1-gallon capacity, any architectural coating containing a photochemically reactive material.

(2) A person shall not employ, apply, evaporate, or dry any architectural coating, purchased in containers of greater than 1-gallon capacity, containing a photochemically reactive material.

(3) A person shall not thin or dilute for application any architectural coating with a photochemically reative material.

(I) Disposal and evaporation of solvents.

A person shall not, during any one day, dispose of a total of more than 1 ½ gallons of any volatile photochemically reactive material, or dispose of any substance containing more than 1 ½ gallons of any volatile photochemically reactive material, by any means which will permit the evaporation of such volatile photochemically reactive material into the atmosphere.

(J) Waste gas disposal.

(1) No person shall emit a waste gas stream from any ethylene producing plant or other ethylene emission source into the atmosphere unless the waste gas stream is properly burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or an equally effective device as may be approved by the Board.

(2) No person shall emit organic materials to the atmosphere from a waste gas flare system unless such materials are burned by smokeless flares, or an equally effective control device as approved by the Board.

(3) The provisions of subsection (J)(1) and (J)(2) of this regulation shall not apply to emissions from emergency relief and vapor blowdown systems. Emissions from emergency relief and vapor blowdown systems shall be controlled upon special order of the Board by burning by smokeless flare, or equally effective device as may be approved by the Board.

(50.5) AP-5-08. Control of carbon monoxide emissions from stationary sources.

(A) These regulations are applicable to all existing stationary sources located within a Priority I region and to all new stationary sources regardless of location.

(B) Except as otherwise provided in these regulations, all new stationary carbon monoxide emission sources shall minimize carbon monoxide emission by use of the best available control techniquies and operating practices in accordance with best current technology.

(C) Nothing in this regulation shall be construed to preclude the use of alternative means to abate emissions, if such alternative is approved by the Board and will not result in emissions significantly greater than would result from the application of the means specified herein.

(D) Process equipment.

No person shall emit the carbon monoxide gases generated during the operation of a grey iron cupola, blast furnace, or basic oxygen steel furnace unless they are burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or equivalent device equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

(E) No person shall emit carbon monoxide waste gas stream from any catalyst regeneration of a petroleum cracking system, petroleum fluid coker, or other petroleum process into the atmosphere, unless the waste gas stream is burned at 1,300°F for 0.3 seconds or greater in a direct-flame afterburner or boiler equipped with an indicating pyrometer which is positioned in the working area at the operator's eye level.

(4.0) AP-7-01. Ambient air quality standards.

The ambient air quality standard for nitrogen dioxide to be applicable throughout the area shall be as follows:

The maximum annual arithmetic mean concentration shall not exceed one hundred (100) micrograms per cubic meter.

(9.0) AP-7-02. Methods of measurement.

(A) For purposes of ascertaining, defining, and measuring ambient air quality, nitrogen dioxide shall be measured by the methods stated in division (B) of this regulation or by such other methods as may be approved by the Board. Such measurements shall be corrected to standard conditions for purposes of comparing measurements with the ambient air quality standard set forth in regulation AP-7-01.

(B) Concentrations of nitrogen dioxide shall be determined through twenty-four (24) hour intermittant sampling utilizing the Jacobs-Hochheiser procedure described in the Federal Register, Volume 36, Number 84, Friday, April 30, 1971, or through the use of continuous sampling and recording devices utilizing colorimetric or spectrophotometric analytical techniques.

(6.0) AP-7-03. Compliance time schedule.

Attainment of the established ambient air quality standard for nitrogen dioxide within the area, through the orderly application of pollution control techniques, shall be accomplished as soon as possible, but in no event shall such time be later than July 1, 1975.

(2.0) AP-7-04. Non-degradation policy.

The significant and avoidable deterioration of air quality in any part of the area where presently existing air quality is equal to or better than that required by regulation AP-7-01 shall be prohibited.

(2.0) AP-7-05. Classification of regions.

(A) Classification of regions shall be based upon measured ambient air quality where known or, where not known, estimated air quality in the area of maximum pollutant concentration. Each region shall be classified with respect to nitrogen dioxides into one of two categories, defined as Priority I or Priority III. Ambient concentration limits which define the classification system are: Priority I: Equal to or above 110 micrograms oxides of nitrogen (as nitrogen dioxide) per cubic meter (0.6 ppm), annual arithmetic mean; Priority III: Below such value.

(B) In the absence of measured data to the contrary, classification will be based on the following estimate of the relationship between nitrogen dioxide and population: Any region containing an area whose 1970 "urban place" population, as defined in the United States Bureau of Census, exceeds 200,000 will be classified Priority I. All other regions will be classified Priority III.

(50.3) AP-7-06. Control of nitrogen oxides emissions from stationary sources.

(A) These regulations are applicable to all existing stationary sources located within a Priority I region and to all new sources regardless of location.

(B) Except as otherwise provided in these regulations, all stationary nitrogen oxide emission sources shall minimize nitrogen oxide emissions by use of the latest available control techniques and operating practices in accordance with best current technology.

(C) Combustion sources.

(1) No person shall cause or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from a gas-fired boiler with a capacity of 250 million B.T.U./hr. or more and completed before the effective date of this regulation in excess of 0.20 pounds per million B.T.U. of heat input.

(2) No person shall cause or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from an oil-fired boiler with a capacity of 250 million B.T.U./hr. or more and completed before the effective date of this regulation in excess of 0.30 pounds per million B.T.U. of heat input.

(3) No person shall cause or permit emissions of nitrogen oxides, calculated as nitrogen dioxide, from a coal-fired boiler with a capacity of 250 million B.T.U. per hour or more in excess of 0.9 pounds per million B.T.U. of heat input.

(D) Nitric acid manufacture.

No person shall cause or permit the emission of nitrogen oxides, calculated as nitrogen dioxide, from nitric acid manufacturing plants in excess of 5.5 pounds per ton of 100 per cent acid produced.

(1.0) AP-9-01. Definitions.

(A) Except as otherwise provided in subsection (B), the definitions in AP-2-01 shall apply.

(B) (1) "Air contaminant source" shall mean any operation, machine, device, apparatus, equipment, building, or other physical facility which emits or may emit any air contaminant.

(2) "Modification" shall mean any physical change in, or change in the method of operation of an air contaminant source which increases the amount of any air pollutant emitted by such source or which results in the emission of any air pollutant not previously emitted.

(3) "Applicable law" shall, unless otherwise expressly specified, include any applicable provisions of: Chapter 3704 of the Ohio Revised Code, as amended; rules, regulations, and orders of the Ohio Air Pollution Control Board; the Clean Air Act, as amended; rules and regulations of the Administrator of the Environmental Protection Agency.

(4) "Construct" or "construction" shall include any operation resulting in a new source.

Former regulation AP-9-01 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.)

(3.0) AP-9-02. Permits to construct new sources; permits to modify.

(A) General rule. After the effective date of these regulations, no person shall cause, permit, or allow the location, installation, construction, or modification of any air contaminant source without first applying for and obtaining a permit to construct or modify from the Board approving the location and design of such source. The Board shall not approve such location, installation, construction, or modification unless the applicant demonstrates to the satisfaction of the Board that the proposed new or modified air contaminant source will comply with all applicable rules and regulations of the Board.

(B) Application for permit to construct or modify.

(1) Applications for permits required under subsection (A) shall be made on forms prepared by the Board and shall contain such information as the Board shall deem necessary to determine whether the permit should be issued. The information

required shall include: descriptions of the equipment and processes involved; the nature, source, and quantity of uncontrolled and controlled emissions; the type, size, and efficiency of control facilities; the quantities and types of raw material used; the suitability of the location and the impact of the emission from such source upon existing air quality; and such other information as the Board may require.

(2) An application for a permit to construct or modify shall be made of each air contaminant source.

(3) Applications for permits to construct shall be signed by the contractor or agent performing the construction or modification and by the corporate President, or Vice President reporting directly to the President, or highest ranking corporate officer with offices located in the State; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator; or, in the case of political subdivisions, by the highest elected official of such subdivision. Such signature shall constitute personal affirmation that the statements made in the application are true and complete, complying fully with applicable state requirements, and shall subject the responsible official to liability under applicable state laws forbidding false or misleading statements.

(4) The applicant's signature shall constitute an agreement that the applicant shall assume responsibility for the construction, modification, installation, or location of such source or facility in accordance with applicable rules and regulations, terms and conditions.

(C) Standards for granting permits to construct or modify.

No permit to construct or modify an air contaminant source shall be granted until the applicant demonstrates that it is more likely than not that:

(1) Such proposed new source or modification will operate without preventing or interfering with the attainment or maintenance of any applicable ambient air quality standard, or cause any avoidable degradation in ambient air quality; and,

(2) The emissions from such source shall not exceed applicable emission standards of the Board, or federal Standards of Performance of New Sources promulgated by the Administrator of the Environmental Protection Agency pursuant to Section III of the Clean Air Act, whichever are more stringent; and,

(3) Such source or modification is provided, at the expense of the applicant, with any sampling and testing facilities the Board may require, including but not limited to:

  (a) Sampling ports of a size, number, and location as the Board may require;

  (b) Safe access to each port;

  (c) Instrumentation to monitor and record emission data which satisfies the requirements of AP-2-04; and

(4) Such proposed source or modification incorporates the best available control technology; and,

(5) The proposed source or modification for which the permit is requested will operate in accordance with applicable law.

(D) Action on applications for permits to construct or modify.

(1) The Board shall, within 90 days of the receipt of an application, notify the applicant in writing of its approval, conditional approval, or denial of the application.

(2) If an application is denied, the Board shall set forth its objections in the notice of denial.

(3) The Board shall afford a prompt hearing to any applicant whose application is denied. Where appropriate, the Board may order such hearing held before two hearing examiners appointed by the Board, who may be an attorney at law and an environmental engineer familiar, by virtue or training and experience, with air pollution control technology. At such hearing a stenographic record of the testimony shall be kept. At such hearing, the applicant shall have the burden of proving his case by a preponderance of the reliable, probative evidence. Following the hearing, the hearing examiner shall write their joint, complete findings and conclusions, and shall include a statement of their reasons for crediting the testimony of one witness over another provided there is a conflict. The hearing examiner shall also recommend action to be taken by the Board, if any, and their reasons for recommending such action. The record of proceedings and the findings, conclusions, reason and recommendations of the hearing examiners shall be kept available for public inspection. The findings, conclusions, reasons and recommendations of the hearing examiners shall be advisory only and not binding upon the Board. Request for such hearing must be made within 10 days of receipt of

the notice of denial.

(4) Permits issued hereunder shall be subject to such terms and conditions set forth and embodied in the permit as the Board shall deem necessary to ensure compliance with applicable law.

(E) Cancellation of permits to construct or modify.

The Board shall cancel a permit to construct or modify if:

(1) The construction, installation, location, or modification the permit approves is not begun within one year of the date of issuance; or,

(2) During construction, installation, location, or modification, work is suspended for one year; or,

(3) The Board determines that one of the standards under Section 2(D)(4) have been or will be violated.

(F) Possession of a permit to construct shall not relieve any person of the responsibility to comply with applicable emission limitations or other applicable law.

Former regulation AP-9-02 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.)

(3.0) AP-9-03. Permits to operate.

(A) General rule. No person may cause, permit, or allow the operation or other use of any air contaminant source without applying for obtaining a permit to operate from the Board in accordance with the requirements of this section, except as otherwise provided in AP-9-04.

(B) Application for permits to operate.

(1) Applications for permits to operate shall be signed by the corporate President, or Vice President reporting directly to the President, or highest ranking corporate officer with offices located in the State; or by an equivalently responsible officer in the case of organizations other than corporations; or in other cases, by the source owner or operator; or, in the case of political subdivisions, by the highest elected official of such subdivision. Such signature shall constitute affirmation that the statements

made in the application are true and complete, complying fully with applicable state requirements, and shall subject the responsible official to liability under applicable state laws forbidding false or misleading statements.

(2) Existing air contaminant sources which are or will be in compliance with applicable law within six months of the effective date of these regulations shall apply for permits to operate as soon as practicable after the effective date of these regulations or within six months thereafter, whichever is sooner.

(3) Applications for permits to operate shall be on forms prescribed by the Board, and shall contain all information the Board deems necessary to determine whether the air contaminant source is operating and will be operated in accordance with all applicable rules and regulations of the Board, including, but not limited to: location of source; descriptions of the equipment and processes involved; the nature, source, and quantity of uncontrolled and controlled emissions; the type, size, and efficiency of control facilities; the impact of the emissions from such source upon existing air quality.

(4) Applications for permits to operate shall be made for each air contaminant source.

(5) Each application shall be signed by the applicant, whose signature shall constitute an agreement that the applicant shall assume responsibility for operating such source in accordance with applicable rules and regulations.

(C) Standards for granting permits to operate.

No permit to operate an air contaminant source shall be granted until the applicant demonstrates that it is more likely than not that:

(1) The source is in compliance with applicable rules and regulations; and,

(2) The source operates without preventing or interfering with the attainment and maintenance of any applicable state or national ambient air quality standard; and,

(3) If required by the Board, the source is equipped with instrumentation and sensing devices to monitor and record emission data and other information about the operation of the source; and

(4) In the case of an air contaminant source to which Section 2 applies, such source was constructed, modified, located, or installed in compliance with the terms and conditions of the permit to construct or modify, as well as applicable rules and regulations, and such source operates, or within 90 days of start up of operation, will operate in accordance with applicable rules and regulations or with federal Standards of Performance for New Sources promulgated by the Administrator of the Environmental Protection Agency pursuant to Section III of the Clean Air Act, whichever is more stringent; and,

(5) If required by the Board, performance tests, conducted after the application was made, at the applicant's expense, in accordance with methods prescribed by the Board, demonstrate that the source is in compliance with applicable emission regulations and other applicable law. The Board or its representative may observe, participate in, or conduct any performance test required; and,

(6) Such source is equipped as required by Section 2(C)(3) of these regulations.

(D) Terms and conditions.

(1) Permits to operate shall be effective for one year from date of issuance, or for whatever other period the Board deems appropriate, not to exceed three years.

(2) Any permit to operate issued by the Board shall be subject to revision in response to changes in applicable rules and regulations or other factors affecting the compliance of the source or control facility with the standards or conditions of the original permit.

(3) The transferee of any permit to operate shall, personally, assume the responsibilities of the original permit holder-transferer. The Board must be notified in writing of any transfer of a permit to operate.

(4) Such air pollution emergency episode plans as are submitted and approved shall become terms and conditions of the permit to operate and shall have full force and effect as a part thereof.

(5) The Board may include such other terms and conditions as are necessary to ensure compliance with applicable law.

(E) Action on applications for permits to operate.

(1) The Board may suspend or revoke a permit to operate if it determines that any of the conditions, terms, or standards of Section 3(C) of Section 3(D) or any other applicable rules and regulations of the Board have been or will be violated.

(2) Suspension or revocation of a permit to operate shall be final 10 days after service of notice on the permit holder.

(3) The Board shall afford a prompt hearing to any permit holder whose permit to operate is suspended or revoked in the manner prescribed in Section 2(D)(3).

(4) A permit to operate which has been revoked shall be surrendered forthwith to the Board.

(G) Permit no defense to violations.

Possession of a permit to operate shall not relieve any person of the responsibility continuously to comply with applicable emission limitations or other provisions of applicable law.

(H) Conditional Permit to Operate.

If any air contaminant source which has been constructed, installed, located or modified in accordance with the provisions of Section 2 of these regulations, and otherwise in accordance with applicable law, is unable to comply with the requirements of Section 3(C)(4) of these regulations as of the date of start-up of operations, the Board shall grant a conditional permit to operate such source for a period not to exceed six months from start-up of operation, provided the period is used to remedy any defect which prevents such compliance, and the applicant affirms that such source will be operated in accordance with the provisions of Section 4(C)(1)(b)(i) to Section 4(C)(1)(b)(vi) of these regulations, inclusive, for the duration of the conditional permit.

Former regulation AP-9-03 adopted January 28, 1972, and effective February 15, 1972, is repealed.

(Adopted July 24, 1972; effective August 7, 1972.)

(5.0) AP-9-04. Variance.

(A) General Rule.

No person shall cause, permit, or allow any air contaminant source to emit any air contaminant in violation of any applicable emission standards of emission limitations or other applicable rules and regulations of the Board, unless a compliance schedule has been applied for and approved by the Board for such source, and a variance has been granted by the Board to such source pursuant to the provisions of this section.

(B) Applications for Variances.

(1) Applications for variances shall be signed by the corporate President, or Vice President reporting directly to the President, or highest ranking corporate officer with offices located in the state; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator, or, in the case of political subdivisions, the highest elected official of such subdivision. Such signature shall constitute affirmation that the statements made in the application are true and complete, and shall subject the responsible official to liability under state laws forbidding false or misleading statements. By his signature, the responsible officer shall assume responsibility for compliance by his source with applicable law and the terms and conditions of any variance issued to such source.

(2) Applications for variances shall be made in a form and manner perscribed by the Board.

(3) An application for a variance shall be made for each air contaminant source.

(C) Standards for Granting Variances.

(1) No variance to operate an air contaminant source shall be granted until the applicant shows to the satisfaction of the Board that:

(a) Such source is not a new source or modification to which Section 2 applies; and,

(b) The Board has approved a compliance schedule for such source. A compliance schedule shall be approvable where it show to the satisfaction of the Board that:

(i) The plan and schedule provide for the earliest possible compliance by the source; and,

(ii) Any available alternative operating procedures and interim control measures have reduced or will reduce the impact of such source on the public health; and,

(iii) Good faith efforts have been and will be made to reduce emissions, or otherwise comply with any state or local laws, ordinances, or regulations; and,

(iv) The proposed control strategy will bring the source into compliance with applicable laws, rules and regulations; and,

(v) The continued operation of the source does not endanger or threaten to endanger human health; and,

(vi) The compliance schedule contains a date on or before which the source shall be operated in compliance with applicable law, rules and regulations.

(c) Such source is equipped as required in Section 2 (C)(4) of these regulations and otherwise in compliance with applicable law.

(2) Applications for variances shall be submitted to the Board as quickly as possible after the date of these regulations, but no later than six months after the effective date of these regulations. Failure to file a timely application shall be cause for the Board to issue an order immediately prohibiting all emissions from the source.

(D) Action on applications for variances.

(1) Prior to taking any action on an application for a variance, the Board or its authorized representative may hold a public hearing on the application in the manner specified in Ohio Revised Code, Section 3704.03(H) (1971).

(2) In granting, revoking, denying, or modifying any variance, the Board shall state its reasons therefore in writing, in the form of a judicial opinion. The opinion shall be made publicly available at the cost of reproduction and handling. Such opinions shall be numbered, and periodically published and bound in volumes.

(3) The Board shall act on applications for variances within six months of filing.

(4) Except as otherwise provided herein, the procedures of section 2(D) of these regulations shall apply.

(E) Interim reporting.

In addition to the other registration and reporting requirements or all air contaminant sources, the holder of a variance shall file reports every two months or as required by the Board which shall be signed by the applicant for the variance. These reports shall demonstrate, to the satisfaction of the Board, that the source for which the variance was issued is making consistent progress toward completion of work on its compliance schedule, and has met all interim deadlines specified in the compliance schedule or specified by the Board. If the responsible official fails to file an interim report on time, or if such report fails to satisfy the Board that the source is making satisfactory progress, then the Board shall revoke the variance. The variance holder shall assume full personal responsibility for the completeness and accurance of statements made in the interim report. False or misleading statements in an interim report shall be grounds for revocation of the variance, and shall subject the variance holder to the sanctions available under state law.

(F) Terms and conditions.

(1) An approved compliance schedule shall be incorporated into any variance granted, and shall be a term and condition thereof.

(2) Variances shall be effective for whatever period the Board deems appropriate, not to exceed one year. A variance may be renewed only when the Board is satisfied that the source for which the variance was granted is making satisfactory progress toward achievement of its compliance schedule. No variance to operate an air contaminant source in an air quality control region designated as Priority I in violation of an emission standard applicable to such region and source may be renewed more than twice and in no case shall any such variance or renewal be effective after July 1, 1975. No variance to operate an air contaminant source in an air quality control region designated as Priority II or Priority III in violation of an emission standard applicable to such source and region as of the effective date of this regulation may be renewed more than twice and in no case shall any such variance or renewal be effective after July 1, 1975. No variance to operate an air contaminant source in an air quality control region designated as Priority II or Priority III in violation of AP-3-11(B) (4) or AP-3-12(B) (5) may be renewed more than twice and in no case shall any such variance or renewal be effective after July 1, 1978.

(3) Each variance shall state the maximum emissions permissible

during the variance period from the source for which the variance was granted.

(4) The possession of a variance to operate in excess of any emission standard, limitation, or regulation of the Board, shall not relieve the holder of responsibility to comply with all other applicable rules and regulations of the Board.

(5) The requirements of Section 3(D)(2), 3(D)(3), 3(D)(4), and 3(D)(5) of these regulations shall apply.

(G) Variance no defense to violations.

Possession of a variance relieving an air contaminant source from having immediately to comply with any requirement of applicable law shall not relieve any such source of the responsibility to comply with all other requirements of applicable law.

(H) Revocation.

(1) The Board shall revoke a variance if it determines that any of the terms, conditions, standards, or requirements of Section 4(C), 4(E), or 4(F) have been or will be violated.

(2) A variance which has been revoked shall forthwith be surrendered to the Board.

(Adopted July 6, 1972; effective July 17, 1972.)

(2.0) AP-9-05. General Policy.

(A) Where any person demonstrates by a preponderance of the evidence that more than one alternative would, with equal efficiency and, if appropriate, speed, satisfy any requirement of applicable law, then the Board shall encourage the implementation of the least costly alternative.

(B) Wherever required by any provision of Chapter 3704, of the Ohio Revised Code, the Board shall give consideration to, and attempt to minimize, the economic expense of any action the Board may require any source, person, or other entity to take; provided, however, that economic hardship to any person shall be no excuse for any performance, operation, action, inaction, or other conduct which violates any requirement of applicable law.

(2.0) AP-9-06. Exemptions.

(A) With the exceptions set forth in subsection (E), infra, each air contaminant source shall submit to the Board either an application for a permit to operate or any application for a variance, in the time, form, and manner specified in AP-9-03 or AP-9-04. Wherever practicable, the Board shall act upon applications for permits and variances in order of the sources' total yearly emissions, beginning with the largest emitters first.

(B) Where necessary for administrative reasons, the Board may exempt, for limited periods of time, certain classes of air contaminant sources, of relatively minor significance, from the requirement of obtaining permits to operate or variances from the Board. Exemption under this subsection shall not relieve any source of the responsibility to submit to the Board, within the required time, a substantially approvable application for a permit to operate or a variance. Applications from sources exempted under this subsection shall be subject to spot checks and such sources shall be subject to inspections.

(C) Exemption under this section shall not relieve any air contaminate source of the responsibility to comply with applicable laws, ordinances, rules, or regulations of any political subdivision of the state of Ohio.

(D) Exemption from the requirement of obtaining permits or variances from the Board under this section shall not be construed to relieve any air contaminant source of the responsibility to comply with all other requirements of applicable law, including, but not limited to, emission standards and limitations, satisfactory progress on compliance schedules, and interim reporting requirements.

(E) The following classes of sources shall not be required to apply for, or obtain, permits to operate or variances from the Board:

(1) Comfort ventilating systems;

(2) Sources used as incinerators in one or two family dwellings, or in dwellings containing six or fewer family units, one of which is owner-occupied;

(3) Sources located in dwelling units which burn oil, natural gas, or other fuel except coal, for the production of steam, hot water, or hot air at rates of less than one million (1,000,000) British Thermal Units per hour when operated at the maximum rated capacities, and from which products of combustion are the sole emissions.

(4) Such other sources of small emission significance as the Board may exempt.

(15.0) AP-9-07. Civil and Criminal Penalties.

The Board shall request the Attorney General in writing to recommend actions for legal and equitable remedies, or for criminal penalties, or both, whenever the Board or the Attorney General finds, based on any information, that there is cause to believe that any person or any source of air pollution is violating or has violated any applicable provision of Chapter 3704 or the Ohio Revised Code, or any rule, regulation, or other of the Board promulgated pursuant thereto.

(14.0) AP-9-08. Public Availability of Information.

(A) Any record, report, or other information obtained by the Board shall be made available to the public, except that upon a showing satisfactory to the Board by any person that such record, report, or other information, or particular part thereof (other than emission data), if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Board shall consider such record, report, or information, or particular part thereof confidential, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the State concerned with carrying out this act or when relevant in any proceeding under this regulation.

(B) Any emission data made public by the Board shall be presented in such a manner as to show the relationship between measured amounts of emissions and the amounts of such emissions allowable under applicable emission limitations and compliance schedules, or other measures.

(2.0) AP-9-09. Severability.

Each section and each part of each section of this regulation is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of intent, it is hereby declared to be the controlling intent that if any section, or any provision thereof or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other persons or circumstances, other than those as to which it is held invalid, shall not be affected thereby and it is hereby declared to be the intent that the other provisions of this regulation would have been adopted independently of such section, sections, or parts of a section so held to be invalid.

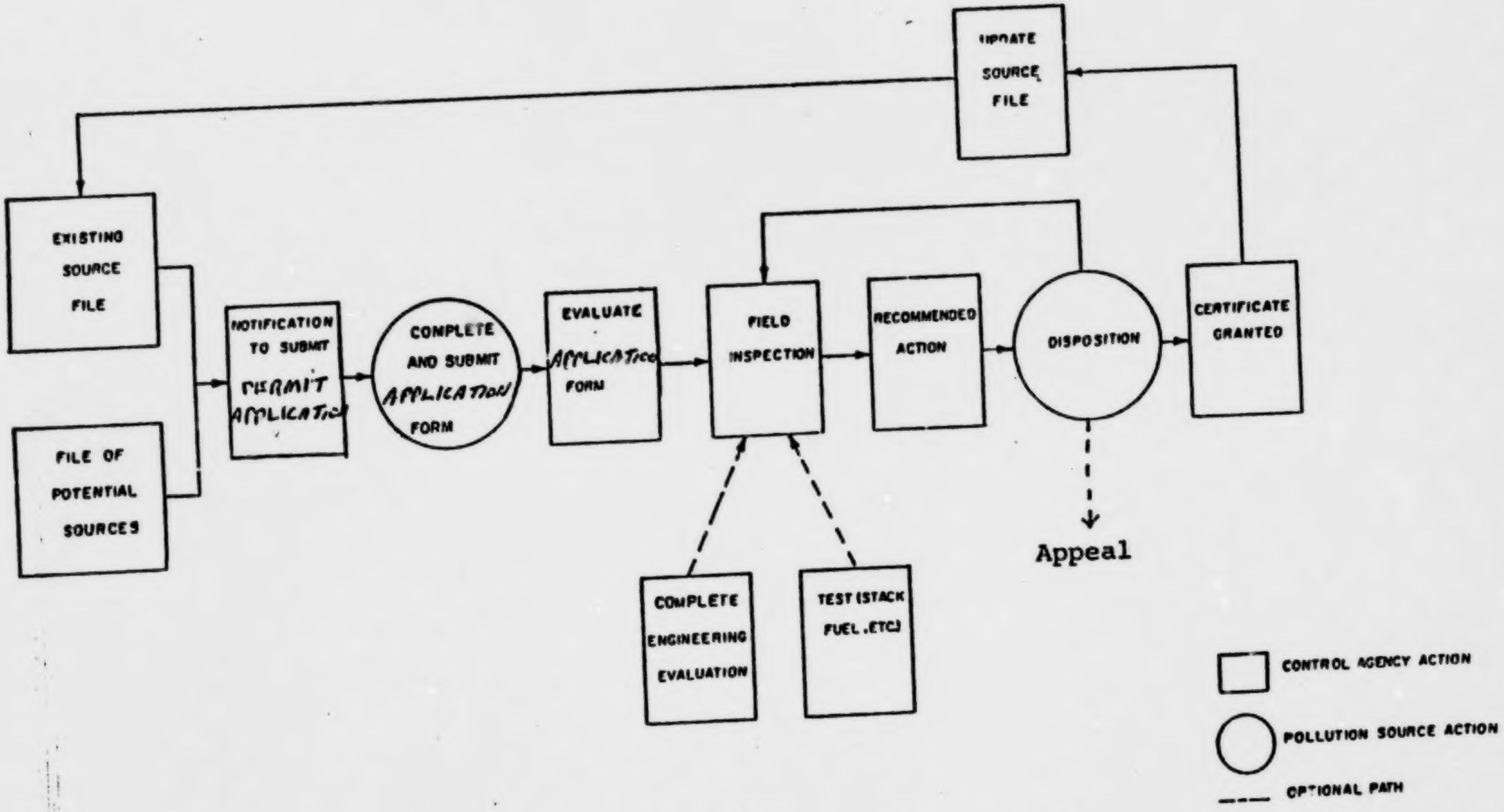
EXISTING SOURCE FILE
FILE OF POTENTIAL SOURCES
NOTIFICATION TO SUBMIT PERMIT APPLICATION
COMPLETE AND SUBMIT APPLICATION FORM
EVALUATE APPLICATION FORM
FIELD INSPECTION
RECOMMENDED ACTION
DISPOSITION
CERTIFICATE GRANTED
UPDATE SOURCE FILE
COMPLETE ENGINEERING EVALUATION
TEST (STACK FUEL, ETC)
Appeal
CONTROL AGENCY ACTION
POLLUTION SOURCE ACTION
OPTIONAL PATH

FIGURE 9.1 FLOW DIAGRAM FOR OPERATING PERMIT SYSTEM

REGULATIONS FOR PREVENTION OF AIR
POLLUTION EMERGENCY EPISODES

(8.0) AP-11-01. Air Pollution Emergency.

This regulation is designed to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these pollutants on the health of persons.

(8.0) AP-11-02. Episode Criteria.

Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Director of Health will be guided by the following criteria:

(A) "Air Pollution Forecast": An internal watch by the Department of Health shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric condition.

(B) "Alert": The Alert level is that concentration of pollutants at which first stage control actions are to begin. An Alert will be declared when any one of the following levels is reached at any monitoring site:

(1) SO_2 - 800 ug./m^3 (0.3p.p.m.), 24-hour average; or,

(2) Particulate - 3.0 COHs of 375 ug./m^3, 24-hour average; or,

(3) SO_2 and particulate combined - product of SO_2 p.p.m., 24-hour average, and COHs equal to 0.2 or product of SO_2 - ug./m^3, 24-hour average, and particulate ug./m^3, 24-hour average equal to 65×10^3; or,

(4) CO - 17 mg./m^3 (15 p.p.m.), 8-hour average; or,

(5) Oxidant (O_3) - 200 ug./m^3 (0.1 p.p.m.) - 1-hour average; or,

(6) NO_2 - 1130 ug./m^3 (0.6 p.p.m.), 1-hour average, 282 ug./m^3 (0.15 p.p.m.), 24-hour average;

and meterorological conditions are such the pollutant concentrations can be expected to ramain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(C) "Warning": The warning level indicates that air quality is continuing to degrade and that additional control measures are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site:

(1) SO_2 - 1,600 ug./m^3 (0.6 p.p.m.), 24-hour average; or,

(2) Particulate - 5.0 COHs or 625 ug./m^3, 24-hour average; or,

(3) SO_2 and particulate combined - produce of SO_2 p.p.m., 24-hour average and COHs equal to 0.8 or product of SO_2 ug./m^3 24-hour average and particulate ug./m^3, 24-hour average equal to 261 x 10^3; or,

(4) CO - 34 mg./m^3 (30 p.p.m.), 8-hour average; or,

(5) Oxidant (O_3) - 800 ug./m^3 (0.4 p.p.m.), 1-hour average; or,

(6) NO_2 - 2,260 g./m^3 (1.2 p.p.m.) - 1 hour average; 565 ug./m^3 (0.3 p.p.m.), 24-hour average;

and meterorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(D) "Emergency": The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

(1) SO_2 - 2,100 ug./m^3 (0.8 p/p.m.), 24-hour average; or,

(2) Particulate - 7.0 COHs or 875 ug./m^3, 24-hour average; or,

(3) SO_2 and particulate combined - product of SO_2 p.p.m., 24-hour average and particulate ug./m^3, 24-hour average equal to 393 x 10^3; or,

(4) CO - 46 mg./m^3 (40 p.p.m.), 8-hour average; or,

(5) Oxidant (O_3) - 1,200 ug./m^3,)0.6 p.p.m.), 1-hour average; or,

(6) NO_2 - 3,000 ug./m^3 (1.6 p.p.m.), 1-hour average; 750 ug./m^3, (0.4 p.p.m.), 24-hour average.

(E) "Termination": Once declared, any status reached by application of these criteria will remain in effect until the criteria for for that level are no longer met. At such time, the next lower status will be assumed.

(8.0) AP-11-03 Emission Control Action Programs

(A) Any person responsible for the operation of a source of air contaminant which emits 0.25 tons per day or more of air contaminants for which air quality standards have been adopted shall prepare emission control action programs, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, and AIR POLLUTION EMERGENCY. Emission control action programs shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables 1-5 which are made a part of this Section.

(B) Emission control action programs as required under Section (1) shall be in writing and show the source of air contamination, the approximate time required to effect the program, a brief description of the manner in which the reduction will be achieved during each stage of an air pollution episode, and such other information as the Board shall deem pertinent.

(C) Emission control action programs shall be filed with the Board at the following times:

(1) Existing sources - Not later than six months after adoption of these regulations;

(2) New sources - With application for Permit to Operate.

(d) During a condition of AIR POLLUTION ALERT, AIR POLLUTION EARNING, and AIR POLLUTION EMERGENCY emission control action programs as required by Section (1) shall be made available on the premises to any person authorized to enforce the provisions of the Board's emergency procedure.

(E) Emission control action programs as required by Section (1) shall be submitted to the Board upon request within thirty days of the receipt of such request; such emission control action programs shall be subject to review and approval by the Board. If, in the opinion of the Board, such emission control action programs do not effectively carry out the objectives as set forth in Tables 1-5, the Board may disapprove said emission control action programs, state its reason for disapproval and order the preparation of amended emission control action programs within the time period specified in the order.

(8.0) AP-11-04 EMERGENCY ORDERS[a]

(A) Following are emergency orders which may be appropriate for use by the Director of Health upon his declaration that an Air Pollution Emergency Episode exists for any air contaminants for which air quality standards have been adopted:

(1) Air Pollution Alert

(a) Any one or combination of air contaminants:

"Any person responsible for the operation of a source of air contamination as set forth in Section AP-11-03 (1) shall take all AIR POLLUTION ALERT actions as required for such source of air contamination; and shall particularly put into effect, the emission control action programs for an AIR POLLUTION ALERT".

(b) Suspended particulate matter:

(i) "There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form".

(ii) "The use of incinerators for the disposal of any form of solid waste will be limited to the hours between 12:00 Noon and 4:00 PM".

(iii) "Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 PM".

A) See footnote 1 at end of Appendix H - subscript "a" and this footnote are not part of Regulation AP-11-04.

(c) Nitrogen Oxides, Carbon Monoxide and Hydrocarbons:

(i) "There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form".

(ii) "The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 Noon and 4:00 PM".

(2) Air Pollution Warning

(a) Any one or combination of air contaminants:

"Any person responsible for the operation of a source of air contamination as set forth in Section AP-11-03 (1) shall take all AIR POLLUTION WARNING actions as required for such source of air contamination; and shall particularly put into effect the emission control action programs for an AIR POLLUTION WARNING".

(b) Suspended particulate matter:

(i) "There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form".

(ii) "The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited".

(iii) "Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 Noon and 4:00 PM".

(c) Nitrogen oxides, Carbon Monoxide and Hydrocarbons:

(i) "There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form".

(ii) "The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited".

(3) Air pollution emergency

(a) Any one or combination of contaminants:

(i) "Any person responsible for the operation of a source of air contamination as described in Section AP-11-03 (1) shall take all AIR POLLUTION EMERGENCY actions as listed as required for such source of air contamination; and shall particularly put into effect the emission control action programs for an AIR POLLUTION EMERGENCY".

(ii) "All manufacturing establishments except those included in Section AP-11-04 (1) (c) 1.a. will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants to the extent possible without causing injury to persons or damage to equipment".

(iii) "All places of employment described below shall immediately cease operations:

"Mining and quarrying of non-metallic minerals.

"All contract construction work except that which must proceed to avoid physical harm.

"Wholesale trade establishments, i.e. places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.

"All office of local, county, and state government including authorities, joint meetings, and any other public body; except to the extent that such offices must continue to operate in order to enforce the requirements of this order pursuant to statute.

"All retail trade establishments except pharmacies and stores primarily engaged in the sale of food.

"Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; offices of insurance carriers, agents and brokers; real estate offices.

"Wholesale and retail laundries; laundry services and cleaning and dyeing establishments; photographic studies; beauty shops, barber shops, shoe repair shops.

"Advertising Offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services; commercial testing laboratories.

"Automobile repair, automobile services, garages.

"Establishments rendering amusement and recreation services including motion picture theatres.

"Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries".

(iv) "There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form".

(v) "The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited".

(vi) "The use of motor vehicles is prohibited except in emergencies with the approval of local or state police".

(B) When the Director of Health determines that an Air Pollution Episode condition exists at one or more monitoring sites solely because of emissions from a limited number of sources, he may order such source or sources to put into effect the emission control action programs which are applicable for each episode stage.

(1.0) AP-13-01. Definitions.

As used in regulations AP-13-01 and AP-13-02:

(A) "Fuel-burning equipment" means any furnace, boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

(B) "Incinerator" means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn refuse or to process refuse material by burning, other than by open burning as defined in AP-3-01(I).

(C) "Process" means any source operation, as defined in AP-2-01(R), excluding the operation of fuel-burning equipment and incinerators.

(D) "Fuel-burning equipment input capacity" means the maximum heat input rate of any fuel-burning equipment. This maximum heat input rate shall be the manufacturer's or designer's guaranteed maximum heat input rate, or such other rate as may be determined by the Board in accordance with good engineering practices. In the case of conflict, the determination made by the Board shall govern.

(E) "Incinerator input capacity" means the manufacturer's or designer's guaranteed maximum input rate or such other rate as may be determined by the Board in accordance with good engineering practices. In case of conflict, the determination made by the Board shall govern.

(F) "Process weight rate" means the total average hourly weight of all materials introduced into the source operation including solid fuels, but excluding gaseous fuels and liquid fuels when those are used solely as fuels and excluding air introduced for the purpose of combustion.

For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time.

(Adopted August 31, 1972; effective September 11, 1972.)

(2.0) AP-13-02. Fee Schedule.

The following fees shall be charged for the issuance of operating permits, construction/modification (installation) permits, and variances:

FUEL-BURNING EQUIPMENT

All fuel-burning equipment using only natural gas or number two (2) or lighter oil shall be assessed a fee one half of that shown.

Input Capacity 10^6 BTU/hour	Operating	Variance	Installation
1-10	$ 50	$ 75	$ 65
10-100	70	150	130
100-300	90	225	195
300-500	110	300	260
500-above	130	375	325

INCINERATORS

Input Capacity Pounds/hour	Operating	Variance	Installation
0-50	$ 50	$ 75	$ 65
50-500	70	150	130
500-2000	90	225	195
2000-30,000	110	300	260
30,000-above	130	375	325

PROCESS

In any process where "process weight rate" cannot be ascertained the minimum fee shall be assessed.

Process Weight Rate Pounds/hour	Operating	Variance	Installation
0-1000	$ 50	$ 75	$ 65
1000-5000	70	150	130
5000-10,000	90	225	195
10,000-50,000	110	300	260
50,000-above	130	375	325

The first operating permit issued for a new or modified source shall be assessed no fee where such construction or modification was pursuant to a Construction/Modification Permit issued by the Board.

The following fees shall be charged for renewal of operating permits and variances:

FUEL-BURNING EQUIPMENT

Input Capacity 10^6 BTU/hour	Operating	Variance
1-10	$ 15	$ 130
10-100	30	130
100-300	40	130
300-500	50	130
500-above	65	130

INCINERATORS

Input Capacity Pounds/hour	Operating	Variance
0-50	$ 15	$ 130
50-500	30	130
500-2000	40	130
2000-30,000	50	130
30,000-above	65	130

PROCESS

In any process where "process weight rate" cannot be ascertained the minimum fee shall be assessed.

Process Weight Rate Pounds/hour	Operating	Variance
0-1000	$ 15	$ 130
1000-5000	30	130
5000-10,000	40	130
10,000-50,000	50	130
50,000-above	65	130

The fees required by this regulation shall be due and payable upon issuance or renewal of the permit or variance.

(Adopted August 31, 1972; effective September 11, 1972.)

3745-35-03 Variances.

(A) General Rule. No person shall cause, permit, or allow the operation or other use of any air contaminant source that emits any air pollutant in violation of any applicable law, unless a variance including an approved compliance schedule has been applied for and obtained from the Director for such source, pursuant to the provisions of this rule.

(B) Applications for Variances

(1) Applications for variances shall be signed by the corporate President, Vice President reporting directly to the President, or highest ranking corporate officer with offices located in the state; or by an equivalently responsible officer in the case of organizations other than corporations; or, in other cases, by the source owner or operator; or in the case of political subdivision, the highest elected official of such subdivision. Such signature shall constitute affirmation that the statements made in the application are true and complete, and shall subject the responsible official to liability under state laws forbidding false or misleading statements. By his signature, the responsible officer shall assume responsiblity for operating and maintaining the source and control equipment in a manner disigned to assure compliance with applicable law and the terms and conditions of any variances issued to such source.

(2) Applications for variances shall be submitted to the Ohio EPA within six months of the effective date of these regulations for existing air contaminant sources not in compliance with applicable law on that date. Failure to file a timely application shall be cause for the Director to issue an order immediately prohibiting all emissions from the source.

(3) Applications for variances shall be made in a form and manner prescribed by the Ohio EPA.

(4) A separate application for a variance shall be made for each air contaminant source to which this rule, 3745-35-03 applies.

(5) Any variance application that fails to contain a compliance schedule or that, on its face, fails to provide the Ohio EPA with requested information needed to provide a factual basis for ascertaining compliance with each of the requirements of 3745-35-03 (C) (1) may be considered defective and be treated

as if it has not been filed. No hearing need be granted with respect to such improper applicatons, which shall be returned to the applicant without further processing with an indication of the deficiency.

(C) Standards for Granting Variances.

(1) No variance to operate an air contaminant source shall be granted unless:

(a) Such source is not a new source; and

(b) There is an approvable compliance schedule for such source. A compliance schedule shall be approvable where it shows to the satisfaction of the Director that:

(i) The plan and schedule provide for the earliest possible compliance by the source; and,

(ii) Any available alternative operating procedures and interim control measures have reduced or will reduce the impact of such source on the public health; and,

(iii) Good faith efforts have been and will be made to reduce emissions, or otherwise comply with any state or local laws, ordinances or regulations; and,

(iv) The proposed control strategy will bring the source into compliance with applicable laws, rules and regulations; and,

(v) The continued operation of the source does not endanger or threaten to endanger human health; and,

(vi) The compliance schedule contains a date on or before which the source shall be operated in compliance with applicable law, rules and regulations.

(2) Except as provided in Section 3704.12 of the Ohio Revised Code, no variance shall be granted from the provision of Chapter 3745-19 governing open burning.

(D) Action on Applications for Variance.

(1) Prior to taking any action on an application for a variance the Ohio EPA may hold a public meeting on the proposed compliance schedule in the manner specified in the Rules of Procedure of the Ohio EPA, Chapter 3745-47.

(2) In granting, revoking, denying, or modifying any variance, the Director shall state his reasons therefore in writing. The decision and reasons therefore shall be made publicly available at the cost of reproduction and handling.

(3) The Director shall act on an application for a variance within six months of filing a complete application.

(4) Variances under this rule shall be issued or denied and may be challenged in accordance with the provisions of the Rules of Procedure of the Ohio EPA, Chapter 3745-47.

(E) Interim Reporting. In addition to the other registration and reporting requirements of all air contaminant sources, the holding of a variance shall file reports every two months or as required by the Ohio EPA which shall be signed by the applicant for the variance. These reports shall demonstrate, to the satisfaction of the Director that the source for which the variance was issued is making consistent progress and has met all interim deadlines specified in the compliance schedule or specified by the Ohio EPA. If the responsible official fails to file an interim report, or if such report fails to satisfy the Director that the source is making satisfactory progress, then he shall revoke the variance. The variance holder shall assume full person responsibility for the completeness and accuracy of statements made in the interim report. False, or misleading statements in an interim report shall be grounds for revocation of the variance, and shall subject the variance holder to the sanctions available under state laws.

(F) Terms and Conditions.

(1) An approved compliance schedule shall be incorporated into any variance granted and shall be a term and condition thereof.

(2) Variances shall be effective for whatever period the Director deems appropriate, not to exceed one year. A variance may be renewed only when the Ohio EPA is satisfied that the source for which the variance was granted is making satisfactory progress toward achievement of the program specified in its

compliance schedule. No variance to operate an air contaminant source in an air quality control region designated as Priority I, II, or III, in violation of an emission standard applicable to such region and source, shall be effective after April 15, 1977, except as provided in the following sentence. No variance to operate an air contaminant source in an air quality control region designated as Priority II or Priority III in violation of 3745-17-10 (B) (4) or 3745-17-11 (B) (5) or 3745-17-13 (B)(5) shall be effective after July 1, 1978.

(3) The possession of a variance to operate in excess of any emission standard, limitation, or regulation of the Ohio EPA shall not relieve the holder of responsibility to comply with all other applicable law and regulations of the Ohio EPA.

(4) Any variance issued by the Director shall be subject to revision in response to changes in applicable rules and regulations or other factors affecting the compliance of the source or control facility with the standards or conditions or the original variance.

(5) The transferee of any variance shall, personally, assume the responsibilities of the original variance holder-transferor. The Ohio EPA must be notified in writing of any transfer of a variance.

(6) Such air pollution emergency episode plans as are submitted and approved shall become terms and conditions of the variance and shall have full force and effect as a part thereof.

(7) The Director may include such other terms and conditions as are necessary to ensure compliance with applicable law or to gather information about ambient air quality emissions levels, or other aspects of the source operation.

(G) Variance No Defense to Violations.

Possession of a variance relieving an air contaminant source from having immediately to comply with any requirement of applicable law shall not relieve any such source of the responsibility to comply with all other requirements of applicable law.

(H) Revocation.

(1) The Director shall revoke a variance if he determines that

any of the terms, conditions, standards, or requirements of Sections (C), (E), or (F) of this rule have been or will be violated.

(2) A variance that has been revoked shall forthwith be surrendered to the Ohio EPA.

Effective Date: July 28, 1975
Former Rule Number: EP-32-03
Promulgated under: RC Chap 119
Statutory Authority: RC§ 3704.03

FEDERALLY PROMULGATED
REGULATIONS

(9.0) §52.1878 Inspection and maintenance program.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) All other terms used in this section that are defined in 40 CFR Part 51, Appendix N are used herein with the meanings so defined.

(b) This section is applicable in Hamilton County, Ohio (including the City of Cincinnati).

(c) The County of Hamilton and the City of Cincinnati shall establish an inspection and maintenance program applicable to all light-duty motor vehicles owned and operated within their respective geographic jurisdictions on streets, roads, and highways over which they have ownership or control.

(d) Not later than April 1, 1974, the County of Hamilton and the City of Cincinnati shall submit to the Administrator, for his approval, legally adopted regulations establishing the inspection/maintenance program required by paragraph (c) of this section. The regulations shall include:

(1) (i) Provisions requiring inspection of all light-duty motor vehicles owned and operated within their respective geographic jurisdictions on streets, roads, and highways over which they have ownership and control (jointly or individually) at periodic intervals no more than 1 year apart by means of an idle test.

(ii) The State may exempt any class or category of vehicles that the State finds are rarely used on public streets and highways (such as classic or antique vehicles).

(2) Provisions for inspection failure criteria consistent with an initial failure rate of at least 30 percent of the vehicles tested before maintenance.

(3) Provisions ensuring that failed vehicles receive within 2 weeks the maintenance necessary to achieve compliance with the inspection standards. These shall, at a minimum, impose sanctions against individual owners and repair facilities, require retest of failed vehicles following maintenance, establish a certification program to ensure that repair facilities performing the required maintenance have the necessary equipment, parts, and knowledgeable operators to perform the tests satisfactorily, and provide for such other measures as necessary or appropriate.

(4) Provisions prohibiting vehicles from being intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. These might include authorization of spot checks of idle adjustments and/or requiring a suitable type of physical tagging of vehicles. These provisions shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, enforcing the inspection and maintenance program. Private parties may be designated to conduct parts of the program to certify compliance.

(6) Provisions ensuring that, with regard to the first inspection, the inspection and maintenance necessary to achieve compliance with the applicable emission standards referred to in paragraph (d)(2) be completed by May 31, 1975, for at least five-twelfths (5/12) of the vehicles subject to the inspection system.

(e) After December 31, 1975, no program in the County of Hamilton, the City of Cincinnati, the State of Ohio shall allow the registration of title, or allow the operation on streets, roads, or highways under its control of any light-duty, spark-ignition-powered motor vehicle subject to the inspection program(s) established pursuant to this section that does not comply with the applicable standards and procedures, as defined in paragraph (d)(2) of this section. This shall not apply to the initial registration of new vehicles.

(f) After December 31, 1975, no person shall operate or allow the operation of a light-duty motor vehicle subject to the inspection program(s) established pursuant to this section that does not comply with the applicable standards and procedures, as defined in paragraph (d)(2) of this section. This shall not apply to the initial registration of new vehicles.

(g) No later than February 1, 1974, the County of Hamilton and the City of Cincinnati shall submit to the Administrator, for his approval, a detailed compliance schedule showing the steps they will take to establish, operate, and enforce the inspection/maintenance program required by paragraph (c) of this section including:

(1) A description of the legal authority for establishing and enforcing the inspection/maintenance program, including the text of proposed or adopted legislation and regulations.

(2) Specific dates (day, month, and year) by which various steps to implement the inspection/maintenance system will be completed, such steps to include, at a minimum, the following: Submitting final plans and specifications for the system to the Administrator for his approval, ordering necessary equipment, commencement of on-site construction and/or installation, completion of on-site construction and/or installation and system operation (this last date to be no later than January 1, 1975).

(3) An identification of the sources and amounts of funds necessary to implement the system, together with written assurances from the chief executive officers of the city and county that they will seek any necessary funding from the appropriate legislative bodies.

(4) Other necessary provision to carry out the Program.

(10.0) §52.1879 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000 or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(10.0) § 52.1879 Review of new sources and modifications

(c) The requirements of §51.18(h) of this chapter are not met because the State failed to submit procedures providing for public comment on review of new or modified stationary sources.

(d) Regulation providing for public comment.

(1) For purposes of this paragraph, "Director" shall mean the "Director of the Ohio Environmental Protection Agency".

(2) Prior to approval or disapproval of the construction or modification of a stationary source, the Director shall:

(i) Make a preliminary determination whether construction or modification of the stationary source should be approved, approved with conditions or disapproved.

(ii) Make available in at least one location in the region in which the proposed stationary source would be constructed or modified, a copy of the Director's preliminary determination, and a copy or summary of other materials, if any, considered by the Director in making his preliminary determination; and

(iii) Notify the public, by prominent advertisement in a newspaper of general circulation in the region in which the proposed stationary source would be constructed or modified, of the opportunity for public comment on the information submitted by the owner or operator and the Director's preliminary determination on the approvability of the new or modified stationary source.

(3) A copy of the notice required pursuant to this paragraph shall be sent to the Administrator through the appropriate regional office and to all other State and local air pollution control agencies having jurisdiction within the region where the stationary source will be constructed or modified.

(4) Public comments submitted in writing within 30 days of the date such information is made available shall be considered by the Director in making his final decision on the application.

(50.2) §52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) The requirements of §51.13 of this chapter are not met because the Ohio plan does not provide for attainment and maintenance of the national standards for sulfur oxides (sulfur dioxide).

(b) Regulations for the control of sulfur dioxide in the State of Ohio.

(1) Definitions - All terms used in this paragraph but not specifically defined below shall have the meaning given them in the Clean Air Act or Parts 51, 52, or 60 in this Chapter.

(i) "By-product coke oven gas" means the gas produced during the production of metallurgical coke in slot-type, by-product coke batteries.

(ii) "Flue gas desulfurization" means any pollution control process which treats stationary source combustion flue gas to remove sulfur oxides.

(iii) "Fossil Fuel" means natural gas, refinery fuel gas, coke oven gas, petroleum, coal and any form of solid, liquid, or gaseous fuel derived from such materials.

(iv) "Fossil fuel-fired steam generating unit" means a furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

(v) "Heat input" means the total gross calorific value (where gross calorific value is measured by ASTM Method D2015-66, D240-64, or D1826-64) of all fossil and non-fossil fuels burned. Where two or more fossil fuel-fired steam generating units are vented to the same stack the heat input shall be the aggregate of all units vented to the stack.

(vi) "Owner or operator" means any person who owns, leases, operates, controls, or supervises a facility, building, structure, or installation which directly or indirectly results or may result in emissions of any air pollutant for which a national standard is in effect.

(vii) "Primary zinc smelter" means any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from the zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

(viii) "Process" means any source operation including any equipment, devices, or contrivances and all appurtenances thereto, for changing any material whatever or for storage or handling of any materials, the use of which may cause the discharge of any air contaminant into the open air, but not including that equipment defined as fossil fuel fired steam generating units in these regulation. Duplicate or similar parallel operations within a structure, building, or shop shall be considered as a single process for purposes of this regulation.

(ix) "Process weight" means the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight unless they become part of the product. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for the number of hours in a given period of time by the number of hours in that period. For fluid catalytic cracking units, process weight shall mean the total weight of material introduced as fresh feed to the cracking unit. For sulfuric acid production units, the nitrogen in the air feed shall not be included in the calculation of process weight.

(x) "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice as determined by the Administrator.

(xi) "Source operation" means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from process materials or in the conversion of the process materials into air contaminants, as in the case of combustion of fuel; and (b) is not primarily an air pollution abatement operation.

(xii) "Stack" means any chimney, flue, vent, roof monitor, conduit or duct arranged to vent emissions to the ambient air.

(xiii) "Sulfur recovery plant" means any plant that recovers elemental sulfur from any gas stream.

(xiv) "Sulfuric acid production unit" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge.

(xv) "Total rated capacity" means the sum of the rated capacities of all fuel-burning equipment connected to a common stack. The rated capacity shall be the maximum guaranteed by the equipment manufacturer or the maximum normally achieved during use as determined by the Administrator, whichever is greater.

(2) Test Methods and Procedures - Unless specified below, the test methods and procedures used for determining compliance with the applicable subparagraphs of §52.1881(b) shall be those prescribed in Part 60 of this chapter. Compliance tests shall be conducted under such conditions as the Administrator shall specify based on representative performance of the affected facility. Notification and recordkeeping procedures shall be those prescribed in §60.7 of this chapter. The owner or operator shall make available to the Administrator such records as may be necessary to determine the conditions of the performance tests. A compliance test shall consist of at least three runs.

(i) The test methods and procedures used for determining compliance for any sulfur recovery plant subject to applicable subparagraph, of §52.1881(b) shall be those prescribed in §60.46 of this chapter with the exception that the maximum amount of sulfur dioxide sampled by Method 6 shall not exceed 50 percent of the stoichiometric amount of hydrogeh peroxide absorbent.

(ii) The test methods and procedures used for determining compliance for any sulfuric acid production unit, or any primary zinc smelter subject to the applicable subparagraphs of §52.1881(b) shall be those prescribed in §60.85 of this chapter.

(iii) The test methods and procedures used to determine the compliance of any stack venting any fossil fuel-fired steam generating units subject to the applicable subparagraphs of §52.1881(b) shall be those prescribed in §60.46 of this chapter. The test methods for determining the sulfur content of fuels shall be those specified in §60.45 of this chapter.

(3) Severability - If any provision of these regulations or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or application of any other part of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations and the various applications thereof are declared to be severable.

(4) Submission of Information - The submission of any information required under §52.1882 shall be made to the Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn, Chicago, Illinois, 60604, Attention Air Compliance Section.

(5) For purposes of this regulation, stack and boiler identification numbers used in this paragraph were derived from correspondence submitted to the U.S. EPA by the affected owners or operators, and may be found in the record supporting this rulemaking.

(6) This paragraph contains no applicable provisions in the following counties of Ohio: Ashland, Brown, Carroll, Champaign, Clinton, Darke, Defiance, Fayette, Fulton, Geauga, Guernsey, Hardin, Harrison, Highland, Hocking, Holmes, Jackson, Knox, Logan, Madison, Monroe, Morrow, Noble, Perry, Portage, Preble, Putnam, Shelby, Union, Van Wert, Warren, Williams and Wyandot, not does it apply to facilities equal to or less than 10 million BTU per hour total aggregate rated capacity of all units at a facility.

(7) - (10) Reserved.

(11) In Adams County:

(i) The Dayton Power and Light Company or any subsequent owner or operator of the Stuart Power Plant in Adams County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Stuart Plant in excess of 3.16 pounds of sulfur dioxide per million BTU actual heat input.

(ii) In leiu of meeting subparagraph (11)(i), the Dayton Power and Light Company may elect, in accordance with the compliance schedule provisions of §52.1882, to comply with the emission limitations which will satisfy the following equation:

(A) $0.0791 (EL_1+ EL_2+EL_3+EL_4 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation, each stack is identified as follows:

Stack No. :	Boiler identification
1	1
2	2
3	3
4	4

(12) In Allen County:

(i) The Ford Motor Company or any subsequent owner or operator of the Ford Motor Company facilities at Allen County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 3.40 pounds of sulfur dioxide per million BTU actual heat input.

(ii) The present or any subsequent owner or operator of the Lima State Hospital at Allen County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 5.39 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The Vistron Corporation or any subsequent owner or operator of the Vistron Corporation facilities at Allen County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 1.27 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The Standard Oil Company or any subsequent owner or operator of the Standard Oil Company facilities at Allen County, Ohio shall not cause or permit the emission of sulfur dioxide in excess of the rates specified below

(v) The Ohio Power Company or any subsequent owner or operator of the Woodcock Power Plant in Allen County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack of the Woodcock Power Plant in excess of 4.38 pounds of sulfur dioxide per million BTU actual heat input.

(A) 100 pounds of sulfur dioxide per 1000 pounds of sulfur processed at the Claus unit.

(B) 0.30 pounds of sulfur dioxide per 1000 pounds of petroleum products at the Fluid Catalytic Cracker/Carbon Monoxide Boiler.

(C) 11.00 pounds of sulfur dioxide per ton of production at the Trolumen unit.

(D) 0.71 pounds of sulfur dioxide per million BTU actual heat input at the Iso Stabilizer and Split Heaters - B002.

(E) 0.21 pounds of sulfur dioxide per million BTU actual heat input at the Vac I Heater - B012.

(F) 0.13 pounds of sulfur dioxide per million BTU actual heat input from all remaining process heaters and fossil fuel-fired steam generators.

(13) In Ashtabula County:

(i) The Cleveland Electric Illumination Company or any subsequent owner or operator of the Ashtabula Power Plant in Ashtabula County, Ohio shall not cause or permit the emission of sulfur dioxide from any of the stacks 1,2, and 3 at the Ashtabula Plant in excess of 2.40 pounds of sulfur dioxide per million BTU actual heat input. Emissions of sulfur dioxide from stack 4 at the Ashtabula Plant shall not exceed 9.10 pounds of sulfur dioxide per million BTU actual heat input. Emissions of sulfur dioxide from stack 5 at the Ashtabula plant shall not exceed 8.20 pounds of sulfur dioxide per million BTU actual heat input.

(ii) The RMI Corporation, or any subsequent owner or operator of the RMI Corporation metal reduction plant in Ashtabula County, Ohio shall not cause or permit emissions of sulfur dioxide in excess of 4.80 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The RMI Corporation, or any subsequent owner or operator of the RMI Corporation sodium plant at Ashtabula County, Ohio shall not cause or permit the emissions of sulfur dioxide in excess of 2.70 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The General Tire and Rubber Company, or any subsequent owner or operator of the General Tire and Rubber Company Plant at Ashtabula County, Ohio shall not cause or permit the emissions of sulfur dioxide in excess of 1.30 pounds of sulfur dioxide per million BTU actual heat input.

(v) The New Jersey Zinc Company or any subsequent owner or operator of New Jersey Zinc Company Plant at Ashtabula County, Ohio shall not cause or permit the emission of sulfur dioxide in excess of 1.50 pounds of sulfur dioxide per million BTU actual heat input at any oil burning unit.

(14) In Athens County:

(i) No owner or operator of any fossil fuel-fired steam generating unit, unless otherwise specified below, shall cause or permit the emission of sulfur dioxide from any stack in excess of 7.50 pounds of sulfur dioxide per million BTU actual heat input.

(ii) The Columbus and Southern Ohio Power Company or any subsequent owner or operator of the Poston Power Plant in Athens County, Ohio shall not cause or permit the emission of sulfur dioxide from stacks 1 and 2 at the Poston Plant in excess of 3.72 pounds of sulfur dioxide per million BTU actual heat input. Stack number 3 is subject to New Source Performance Standards and is limited to 1.2 pounds of sulfur dioxide per million BTU of actual heat input.

(iii) In lieu of meeting subparagraph (14)(ii), the Columbus and Southern Ohio Power Company may elect in accordance with the compliance schedule provisions of §52.1882, to comply with the emission limitations which will satisfy all of the following equations:

(A) $0.1932\ EL_1 + 0.0757\ EL_2 \leq 1$

(B) $0.1369\ EL_1 + 0.1276\ EL_2 \leq 1$

(C) $0.1230\ EL_1 + 0.1406\ EL_2 \leq 1$

where EL_i is the emission limitation (in pounds of sulfur dioxide per million Btu of actual heat input) per stack i, and i is the stack number. For purposes of this regulation, each stack is identified as follows:

Stack No. :	Boiler identification
1	1, 2
2	3, 4
3.-	5, 6

(15) In Auglaize County, the Goodyear Tire and Rubber Company, of any subsequent owner or operator of the Goodyear Tire

and Rubber Company facilities in Auglaize County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 4.20 pounds of sulfur dioxide per million BTU actual heat input.

(16) In Belmont County:

(i) The Wheeling Pittsburgh Steel Company or any subsequent owner or operator of the Martins Ferry Steel Plant in Belmont County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Martins Ferry facility in excess of 2.60 pounds of sulfur dioxide per million BTU actual heat input.

(17) In Butler County:

(i) No present or subsequent owner or operator, unless otherwise specified in this subparagraph, of any fossil fuel-fired steam generating unit(s) located in Butler County, Ohio shall cause or permit sulfur dioxide emissions from any stack in excess of 1.40 pounds of sulfur dioxide per million BTU actual heat input.

(ii) No present or any subsequent owner or operator, unless otherwise specified in this subparagraph, of a by-product coke oven located in Butler County, Ohio, shall cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide in excess of 100 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack at this facility in excess of 0.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The Armco Steel Company or any subsequent owner or operator of the Armco Steel-Hamilton Plant located in Butler County, Ohio shall cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide in excess of 146 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack at this facility in excess of 0.73 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The Armco Steel Company or any subsequent owner or operator or the Armco Steel-Middletown Plant located in Butler County, Ohio shall not cause or permit emissions of sulfur dioxide from fossil fuel-fired steam generating units numbered B001, B002, B003, and B004 in excess of 2.11 pounds of sulfur dioxide per million BTU actual heat input and from fossil fuel-fired steam generating units numbered B007, B008, B009, and B010 in excess of 1.79 pounds of sulfur dioxide per million BTU actual heat input.

(v) The Champion Paper Company or any subsequent owner or operator of the Champion Paper facilities located in Butler County, Ohio shall not cause or permit emissions of sulfur dioxide from fossil fuel-fired steam-generating units numbered B010 and B020 in excess of 3.43 pounds of sulfur dioxide per million BTU actual heat input.

(18) In Clark County:

(i) The Ohio Edison Company or any subsequent owner or operator of the Mad River Power Plant in Clark County, Ohio, shall not cause or permit the emission of sulfur dioxide from any of the stacks 1,2, and 3 at the Mad River Plant in excess of 4.62 pounds of sulfur dioxide per million BTU actual heat input. Emissions of sulfur dioxide from stacks 4 and 5 at the Mad River Plant shall not be in excess of 1.00 pounds of sulfur dioxide per million BTU actual heat input.

(ii) In lieu of meeting subparagraph (18)(i), the Ohio Edison Company may elect for stacks 1,2, and 3 only, in accordance with the compliance schedule provisions of §52.1882, to comply with the emission limitations which will satisfy all of the following equations:

(A) $0.0995 \ (EL_1 + EL_2) + 0.0173 \ EL_3 \leq 1$

(B) $0.0498 \ (EL_1 + EL_2) + 0.0516 \ EL_3 \leq 1$

(C) $0.0735 \ (EL_1 + EL_2) + 0.0190 \ EL_3 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No. :	Boiler identification
1	1
2	2
3	3
4	A (Turbine)
5	B (Turbine)

(19) In Clermont County:

(i) The Cincinnati Gas & Electric Company or any subsequent owner or operator of the Beckjord Power Plant in Clermont County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Beckjord plant in excess of 2.02 pounds of sulfur dioxide per million BTU actual heat input.

(ii) In lieu of subparagraph (19)(i) the Cincinnati Gas and Electric Company may elect, in accordance with the compliance schedule provisions of §52.1882, to comply with the emission limitations which will satisfy all of the following equations:

(A) $0.1426\ EL_1+0.1629\ EL_2+0.0667\ EL_3+0.0823\ EL_4+0.0122\ EL_5 \leq 1$

(B) $0.1252\ EL_1+0.1349\ EL_2+0.1003\ EL_3+0.1192\ EL_4+0.0155\ EL_5 \leq 1$

(C) $0.0337\ EL_1+0.0353\ EL_2+0.0382\ EL_3+0.0451\ EL_4+0.0709\ EL_5 \leq 1$

(D) $0.1334\ EL_1+0.1492\ EL_2+0.0740\ EL_3+0.0904\ EL_4+0.0247\ EL_5 \leq 1$

(E) $0.0249\ EL_1+0.0257\ EL_2+0.0283\ EL_3+0.0332\ EL_4+0.0841\ EL_5 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.:	Boiler Identification
1	1
2	2
3	3
4	4
5	5,6

(20) In Columbiana County, no present or any subsequent owner or operator of any fossil fuel-fired steam generating unit(s) operating in Columbiana County, Ohio shall casue or permit emission of sulfur dioxide from any stack in excess of 4.40 pounds of sulfur dioxide per million BTU actual heat input.

(21) In Coshocton County:

(i) The Columbus and Southern Ohio Power Company or any subsequent owner or operator of the Conesville Plant in Coshocton County, Ohio shall not cause or permit the emission of sulfur dioxide from any of the stacks 1, 2, and 3 at the Conesville Plant in excess of 5.66 pounds of sulfur dioxide per million BTU actual heat input. Stack 4 at the Conesville Plant is subject to New Source Performance Standards and is limited to 1.2 pounds of sulfur dioxide per million BTU actual heat input.

(ii) In lieu of meeting subparagraph (21) (i), the Columbus and Southern Ohio Power Company may elect for stacks 1, 2, and 3 only, in accordance with the compliance schedule provision of § 52.182, to comply with the emission limitations which will satisfy all of the following equations:

(A) $0.0677\ EL_1+0.0411\ EL_2+0.0065\ EL_3 \leq 1$
(B) $0.0707\ EL_1+0.0730\ EL_2+0.0011\ EL_3 \leq 1$
(C) $0.0623\ EL_1+0.0767\ EL_2+0.0013\ EL_3 \leq 1$
(D) $0.0565\ EL_1+0.0337\ EL_2+0.0866\ EL_3 \leq 1$
(E) $0.0401\ EL_1+0.0683\ EL_2+0.0026\ EL_3 \leq 1$
(F) $0.0410\ EL_1+0.1021\ EL_2+0.0\ EL \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i, and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.:	Boiler Identification
1	1,2
2	3
3	4
4	5,6

(22) In Crawford County, no present or any subsequent owner or operator of any fossil fuel-fired steam generating unit(s) operating in Crawford County, Ohio, shall cause or permit emissions of sulfur dioxide from any stack in excess of 9.60 pounds of sulfur dioxide per million BTU actual heat input.

(23) In Cuyahoga County, no owner or operator, unless otherwise specified in this subparagraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and $350X10^6$ BTU's per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL=7.014\ Qm^{-0.3014}$$

where Qm is the total rated capacity of heat input in million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired units equal to or greater than 350 million BTU per hour total rated capacity, 1.20 pounds of sulfur dioxide per milliln BTU of actual heat input.

(iii) (A) The Republic Steel Corporation or any subsequent owner or operator of Republic Steel facilities located in Cuyahoga County, Ohio shall not cause or permit the combustion of by-product coke oven gas at the basic oxygen furnace shop, open hearth shop, blast furnaces 1, 4 and 5, foundry, P-Anneals 1-4, and car thaw 1-1 through 1-4, containing a total sulfur content expressed as hydrogen sulfide in excess of 240 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack at the above facilities in excess of 1.20 pounds of sulfur dioxide per million BTU actual heat input.

(B) The Republic Steel Corporation or any subsequent owner or operator of Republic Steel facilities located in Cuyohoga County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack attached to the Open Hearth precipitator units 111 and 112, 98-inch slab furnace units 1, 2, 3, 4, and 5, and the sinter plant at this facility in excess of 0.00 pounds of sulfur dioxide per million BTU actual heat input.

(C) The Republic Steel Corporation or any subsequent owner or operator of Republic Steel facilities located in Cuyahoga County, Ohio, shall not cause or permit the combustion of by-product coke oven gas at the 84-inch slab furnace units 1, 2, and 3 containing a total sulfur content expressed as hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack at the above facilities in excess of 1.24 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The Cleveland Electric Illuminating Company or any subsequent owner or operator of the Lake Shore Power Plant located in Cuyahoga County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Lake Shore Plant in excess of the following rates:

(A) 1.30 pounds of sulfur dioxide per million BTU of actual heat input from unit no. 18.

(B) 1.90 pounds of sulfur dioxide per million BTU of actual heat input for units 91 through 94.

(V) The City of Cleveland or any subsequent owner or operator of the Division Pumping Station located at Cuyahoga County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Division Pumping Station in excess of 4.20 pounds of sulfur dioxide per million BTU of actual heat input.

(vi) No present or subsequent owner or operator of the fossil fuel-fired steam generating units listed herein shall cause or permit the emission of sulfur dioxide from any stack attached to the identified boilers in excess of 1.00 pounds of sulfur dioxide per million BTU of actual heat input:

Company	Boiler Identification
(A) Cleveland Electric Illuminating Co., Hamilton Ave. Steam Plant	All boilers.
(B) Republic Steel	234, 1, 2, A, B, and C.

(C)	Addressograph	1, 2, and 3
(D)	General Electric Co	1 and 2.
(E)	Jones and Laughlin Steel	30.

(vii) No present or subsequent owner or operator of the fossil fuel-fired steam generating units listed herein shall cause or permit the emission of sulfur dioxide from any stack attached to the identified boilers in excess of 0.50 pounds of sulfur dioxide per million BTU of actual heat input:

Company		Boiler identification
(A)	Jones & Laughlin	22, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, and 35.
(B)	U.S. Steel, Cuyahoga-Lorain works	1, 2, 3, 4, 5, and 6.
(C)	DuPont	18.
(D)	Harshaw Chemical	7 and 8
(E)	Standard Oil of Ohio	7, 9, and 10.

(viii) The United States Steel Corporation, Cuyahoga Works or any subsequent owner or operator of the Cuyahoga Works in Cuyahoga County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack attached to boilers 3 through 7 at the Cuyahoga Works in excess of 1.30 pounds of sulfur dioxide per million BTU of actual heat input.

(ix) The Hupp Company or any subsequent owner or operator of Hupp facilities in Cuyahoga County, Ohio shall not cause or permit emission of sulfur dioxide from any stack attached to boilers 1 through 3 at this facility in excess of 3.50 pounds of sulfur dioxide per million BTU of actual heat input.

(x) The Chase Bag Company or any subsequent owner or operator of Hupp facilities in Cuyahoga County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack attached to boilers 1 & 2 at this facility in excess of 4.20 pounds of sulfur dioxide per million BTU of actual heat input.

(xi) The General Electric Company or any subsequent owner or operator of General Electric facilities in Cuyahoga County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack attached to boilers 3 and 4 at this facility in excess of 3.10 pounds of sulfur dioxide per million BTU of actual heat input.

(xii) The General Motors Corporation or any subsequent owner or operator of the Fisher Body plant at Cuyahoga County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack attached to boilers 7, 8, and 9 at this facility in excess of 2.10 pounds of sulfur dioxide per million BTU of actual heat input.

(xiii) No present or subsequent owner or operator of the Medical Center located in Cuyahoga County, Ohio shall cause or permit the emission of sulfur dioxide from any stack attached to boilers 3 through 8 at the Medical Center in excess of 4.60 pounds of sulfur dioxide per million BTU of actual heat input.

(xiv) The Ford Motor Company or any subsequent owner or operator of the Ford Motor Company facilities located at Cuyahoga County, Ohio shall not cause or permit emissions of sulfur dioxide from any stack at these facilities in excess of the rates specified below:

(A) 1.20 pounds of sulfur dioxide per million BTU actual heat input for boilers 1, 2, and 3 at the Stamping Plant.

(B) 4.20 pounds of sulfur dioxide per million BTU actual heat input for boilers 1, 2, 3, 4, and 5 at the Engine Plant #2.

(xv) No present or subsequent owner or operator of the Highland View Hospital shall cause or permit the emission of sulfur dioxide from any stack at the Highland View Hospital in excess of the rates specified below:

(A) 2.90 pounds of sulfur dioxide per million BTU of heat input for boilers 3 and 4.

(B) 1.50 pounds of sulfur dioxide per million BTU of heat input for boilers and 1 and 2.

(xvi) The Allied Chemical Company or any subsequent owner or operator of the Allied Chemical Company sulfuric acid production units at Cuyahoga County, Ohio shall not cause or permit the emission of sulfur dioxide from any unit in excess of 4.8 pounds of sulfur dioxide per ton of 100% sulfuric acid produced.

(xvii) No owner or operator, unless otherwise specified in this subparagraph, shall cause or permit the combustion of by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide in excess of 170 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 0.86 pounds of sulfur dioxide per million BTU actual heat input. Facilities subject to paragraph (b) (23) (i) and (ii) of this paragraph are not subject to this limitation.

(xviii) No owner or operator of any process equipment, unless otherwise specified in this subparagraph, shall cause or permit the emission of sulfur dioxide from any stack in excess of 6.00 pounds of sulfur dioxide per ton of actual process weight input.

(xix) The Harshaw Chemical Company or any subsequent owner or operator of the Harshaw Chemical Company facilities in Cuyahoga County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack in excess of 19.0 pounds of sulfur dioxide per ton of actual process weight input.

(xx) The Dupont Company or any subsequent owner or operator of the Dupont Company sulfuric acid production units at Cuyahoga County, Ohio shall not cause or permit the emission of sulfur dioxide in excess of 10.0 pounds of sulfur dioxide per ton of 100% sulfuric acid production.

(24) In Delaware County, no present or subsequent owner or operator of any fossil fuel-fired steam generating unit(s) operating in Delaware County, Ohio, shall cause or permit emission of sulfur dioxide from any stack in excess of 4.00 pounds of sulfur dioxide per million BTU actual heat input.

(25) In Erie County:

(i) No present or any subsequent owner or operator of any fossil fuel-fired steam generating unit(s) shall cause or permit emission of sulfur dioxide from any stack in excess of 1.60 pounds of sulfur dioxide per million BTU actual heat input.

(ii) No present or any subsequent owner or operator of any process equipment, shall cause or permit the emission from any stack into the atmosphere of any process gas stream containing sulfur dioxide in excess of 9.50 pounds of sulfur diixode per ton of actual process weight input.

(26) In Fairfield County:

(i) The Diamond Power Speciality Company or any subsequent owner or operator of the Diamond Power facility in Fairfield County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Diamond Power facility in excess of 6.90 pounds of sulfur dioxide per million BTU actual heat input.

(ii) The Crown-Zellerbach Corporation or any subsequent owner or operator of the Crown-Zellerbach facility in Fairfield County, Ohio shall not cause or permit the emission of sulfur dioxide from the stack attached to #2 boiler at the Crown-Zellerbach facility in excess of 7.00 pounds of sulfur dioxide per million BTU actual heat input.

(27) In Franklin County, no owner or operator of the following types of facilities unless otherwise specified in this subparagraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating unit between 10.0 and 50.0 X 10^6 BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL=8.088Qm^{-0.4307}$$

where Qm is the total rated capacity of heat input in million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than 50.0X10^6 BTU per hour total rated capacity of heat input, the emission limitation shall be 1.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or any subsequent owner or operator of the Columbus State Institution in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.80 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Columbus State Hospital in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.10 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or any subsequent owner or operator of Ross Laboratory in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.80 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The present or any subsequent owner or operator of the Rickenbacker Air Force Base in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.20 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The present or any subsequent owner or operator of the Capital City Products facility in Franklin County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.10 pounds of sulfur dioxide per million BTU actual heat input.

(viii) The present or any subsequent owner or operator of the Westinghouse Electric facility in Franklin County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.20 pounds of sulfur dioxide per million BTU actual heat input.

(ix) The present or any subsequent owner or operator of the Naval Weapons Industrial Reserve facility in Franklin County shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.06 pounds of sulfur dioxide per million BTU actual heat input.

(x) No owner or operator of any primary zinc smelter shall cause or permit the emission of sulfur dioxide from the plant in excess of the amount prescribed by the following equation:

$$Y=0.564X^{0.85}$$

where X is the total sulfur feed expressed as elemental sulfur in the smelter input stream in lbs/hour and Y is the allowable sulfur dioxide emission rate in lbs/hour from all stacks combined.

(xi) Except as provided in subparagraph (27) (x) of this paragraph, no owner or operator of any process equipment shall cause or permit the emission from any stack into the atmosphere of any process gas stream containing sulfur dioxide in excess of 2.40 pounds of sulfur dioxide per ton of actual process weight input.

(28) In Gallia County:

(i) The Ohio Power Company or any subsequent owner or operator of the Gavin Power Plant in Gallia County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Gavin facility in excess of 9.50 pounds per million BTU actual heat input.

(ii) The Ohio Valley Electric Company or any subsequent owner or operator of the Kyger Creek Power Plant in Gallia County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Kyger Creek facility in excess of 8.20 pounds of sulfur dioxide per million BTU actual heat input.

(29) In Greene County:

(i) No owner or operator of any process equipment shall cause or permit the emission of sulfur dioxide from any stack in excess of that permitted by the following equation:

$$EL=563.P-0.9027$$

where EL is the allowable emission rate in pounds of sulfur dioxide per ton of actual process weight input and P is the design process weight input rate in tons per hour.

(ii) The present or any subsequent owner of the Wright-Patterson Air Force Base in Greene County, Ohio shall not cause or permit emissions of sulfur dioxide in excess of 0.38 pounds of sulfur dioxide per million BTU actual heat input from all stacks at building 271; emissions of sulfur dioxide in excess of 0.81 pounds of sulfur dioxide per million BTU actual heat input from all stacks at building 770; emissions of sulfur dioxide in excess of 0.33 pounds of sulfur dioxide per million BTU actual heat input from all stacks at building 66; emissions of sulfur dioxide in excess of 0.79 pounds of sulfur dioxide per million BTU actual heat input from all stacks at building 1240; emissions of sulfur dioxide in excess of 0.93 pounds of sulfur dioxide per million BTU actual heat input from all stacks at building 170.

(iii) No present or any subsequent owner of the Antioch College at Greene County, Ohio shall cause or permit the emissions of sulfur dioxide from any stack at Antioch College in excess of the rates specified below:

(A) 6.20 pounds of sulfur dioxide per million BTU actual heat input for any fossil fuel-fired steam generating unit burning coal.

(B) 1.40 pounds of sulfur dioxide per million BTU actual heat input for any fossil fuel-fired steam generating unit burning oil.

(iv) No present or any subsequent owner of Central State University at Green County, Ohio shall cause or permit emissions of sulfur dioxide from any stack at Central State University in excess of the rates specified below:

(A) 4.30 pounds of sulfur dioxide per million BTU actual heat input from stack 1.

(B) 0.30 pounds of sulfur dioxide per million BTU actual heat input from Stack 2.

(30) In Hamilton County:

(i) No owner or operator of any fossil fuel-fired steam generating unit(s) located in Hamilton County, Ohio, unless otherwise specified in this subparagraph, shall cause or permit sulfur dioxide emissions from any stack in excess of 2.00 pounds of sulfur dioxide per million BTU actual heat input.

(ii) The Cincinnati Gas and Electric Company or any subsequent owner or operator of the Miami Fort Power Plant in Hamilton County, Ohio shall not cause or permit the emissions of sulfur dioxide, from stack number 2 at the Miami Fort Plant in excess of 0.30 pounds of sulfur dioxide per million BTU actual heat input, from stacks 3 and 4 at the Miami Fort Plant in excess of 3.30 pounds of sulfur dioxide per million BTU actual heat input, from stack 5 at the Miami Fort Plant in excess of 5.50 pounds of sulfur dioxide per million BTU actual heat input. Stack number 6 is subject to Federal New Source Performance Standards and is limited to 1.20 pounds of sulfur dioxide per million BTU of actual heat input. Stacks at the Miami Fort Power Plant are identified as follows:

Stack No.	Boiler No.
2	3
3	4&5
4	6
5	7
6	8

(iii) No owner or operator of a sulfur acid production unit(s) shall cause or permit the emissions of sulfur dioxide from the unit(s) in excess of 21.0 pounds of sulfur dioxide per ton of 100% sulfuric acid produced.

(iv) No owner or operator of any fluidized catalytic cracking unit located in Hamilton County, Ohio shall cause or permit sulfur dioxide emissions from any unit in excess of 0.78 pounds of charging feed stock.

(31) In Hancock County:

(i) No owner or operator of any fossil fuel-fired steam generating unit(s) or process operation heater(s) located in Hancock County, Ohio, unless otherwise specified in the subparagraph, shall cause or permit sulfur dioxide emissions from any stack in excess of 5.20 pounds of sulfur dioxide per million BTU actual heat input.

(ii) The Northern Ohio Sugar Company, or any subsequent owner or operator of the Northern Ohio Sugar Company facilities in Hancock County, Ohio, shall not cause or permit sulfur dioxide emissions from any stack in excess of 2.50 pounds of sulfur dioxide per million BTU actual heat input.

(32) In Henry County:

(i) No owner or operator of any oil-fired fossil fuel steam generating unit, unless otherwise specified shall cause or permit emission of sulfur dioxide from any stack in excess of 2.10 pounds per million BTU actual heat input.

(ii) The present or subsequent owner or operator of the City of Napoleon Power Plant in Henry County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Napoleon Power Plant in excess of 0.0 pounds of sulfur dioxide per million BTU actual heat input.

(33) In Huron County, no owner or operator of any fossil fuel-fired steam generating unit shall cause or permit emission of sulfur dioxide from any stack in excess of 8.00 pounds of sulfur dioxide per million BTU actual heat input.

(34) In Jefferson County, no owner or operator, unless otherwise specified in this subparagraph, shall cause or permit sulfur dioxide emissions from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating unit(s) burning coal: 1.80 pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) burning oil: 0.80 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The Kaul Clay Company or any subsequent owner or operator of the Kaul Clay Plant facilities in Jefferson County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack of this facility in excess of 2.82 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The Toronto Paper Board Company or any subsequent owner or operator of the Toronto Paper Board Company plant facilities in Jefferson County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 5.96 pounds of sulfur dioxide per million BTU actual heat input.

(v) The Ohio Edison Company or any subsequent owner or operator of the Toronto Power Plant in Jefferson County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Toronto Plant in excess of 8.10 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The Ohio Edison Power Company or any subsequent owner or operator of the Sammis Power Plant in Jefferson County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Sammis Plant in excess of 2.91 pounds of sulfur dioxide per million BTU actual heat input.

(vii) In lieu of meeting subparagraph (34) (vi), the Ohio Edison Company may elect, in accordance with the compliance schedule provision of § 52.1882, to comply with the emissions limitations which simultaneously satisfy all of the following equations:

(A) $0.1673\ EL_1+0.1670\ EL_2+0.0072\ EL_3+0.0022\ EL_4 \leq 1$

(B) $0.0557\ (EL_1+EL_2)+0.1106\ EL_3+0.0734\ EL_4 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stock No.:	Boiler identification
1	1,2
2	3,4
3	5,6
4	7

(viii) The owner or operator of the Cardinal Power Plant in Jefferson County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Cardinal Plant in excess of 4.76 pounds of sulfur dioxide per million BTU actual heat input.

(ix) In lieu of meeting subparagraph (24) (vii), the owner or operator of the Cardinal Power Plant may elect, in accordance with the compliance schedule provision of § 52.1882, to comply with the emission limitations which satisfy the following equation.

(A) $0.0668\ (EL_1+EL_2)+0.0763\ EL_3 \leq 1$

where EL_1 is the emission limitations (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.:	Boiler identification
1	1
2	2
3	3

(x) The Ohio Power Company or any subsequent owner or operator of the Tidd Power Plant in Jefferson County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Tidd Plant in excess of 1.58 pounds of sulfur dioxide per million BTU actual heat input.

(xi) In lieu of meeting subparagraph (24) (vii), the Ohio Power Company may elect, in accordance with the compliance schedule provision of § 52.1882, to comply with the emission limitations which will simultaneously satisfy all of the following equations:

(A) $.1521(EL_1+EL_2)+.3267\ EL_3 \leq 1$
(B) $.1443(EL_1+EL_2)+.3338\ EL_3 \leq 1$
(C) $.1568(EL_1+EL_2)+.3169\ EL_3 \leq 1$
(D) $.1591(EL_1+EL_2)+.3143\ EL_3 \leq 1$

where EL_i is the emission limitations (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.:	Boiler identification
1	11
2	12
3	21

(xii) No owner or operator of a by-product coke oven shall cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide in excess of 50 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas.

(xiii) The Wheeling Pittsburg Steel Company or any subsequent owner or operator of the Yorkville Steel Plant facility in Jefferson County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit stack at the Yorkville facility in excess of 4.20 pounds of sulfur dioxide per million BTU actual heat input.

(35) In Lake County, no owner or operator of the following types of facilities, unless otherwise specified in this subparagraph, shall cause or permit emissions from stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 1000 X 10^6 BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 14.976 Q_m^{-0.3431}$$

where Q_m is the total rated capacity of heat input in million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than 1000 X 10^6 BTU per hour total rated capacity of heat input, 1.40 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or any subsequent owner or operator of the Ohio Rubber Company facility in Lake County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the facility in excess of 6.00 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Painesville Municipal Power Plant in Lake County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of the rates specified below:

(A) For boilers 1 through 4: 5.20 pounds of sulfur dioxide per million BTU actual heat input.

(B) Boiler number 5 is subject to New Source Performance Standards and is limited to 1.20 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or any subsequent owner or operator of the Diamond Shamrock facility in Lake County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.00 pounds of sulfur dioxide per million BTU actual heat input or 0.00 pounds of sulfur dioxide from any process.

(vi) The Cleveland Electric Illuminating Co. or any subsequent owner or operator of the East Lake Plant in Lake County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the East Lake Plant in excess of 1.43 pounds of sulfur dioxide per million BTU actual heat input.

(vii) In lieu of meeting subparagraph (25)(vi), the Cleveland Electric Illuminating Company may elect, in accordance with the compliance schedule provision of §52.1882, to comply with the emission limitations which satisfy all of the following equations:

(A) $0.143(EL_1+EL_2+EL_3) + 0.192\ EL_4+0.078\ EL_5 \leq 1.0$

(B) $0.174(EL_1+EL_2+EL_3) + 0.108\ EL_4+0.078\ EL_5 \leq 1.0$

(C) $0.113(EL_1+EL_2+EL_3) + 0.187\ EL_4+0.025\ EL_5 \leq 1.0$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stock No.	Boiler identification
1	1
2	2
3	3
4	4
5	5

(viii) (A) The Lubrizol Corporation, or any subsequent owner or operator of the Lubrizol facilities located in Lake County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Lubrizol facility in excess of 20.00 pounds of sulfur dioxide per ton of actual process weight input.

(B) The Lubrizol Corporation or any subsequent owner or operator of the Lubirzol facilities located in Lake County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack for boilers 1, 2 or 3 at the Lubrizol facility in excess of 0.55 pounds of sulfur dioxide per million BTU actual heat input.

(ix) The Republic Steel Corporation, or any subsequent owner or operator of the Republic Steel facilities located in Lake County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Republic Steel facility in excess of 4.21 pounds of sulfur dioxide per ton of actual process weight input.

(36) In Lawrence County:

(i) No owner or operator, unless otherwise specified below, of any industrial process equipment or fossil fuel-fired steam generator unit(s) shall cause or permit the combustion of gasses containing a total sulfur content expressed as hydrogen sulfide in excess of 235 grains of hydrogen sulfide per 100 dry standard cubic feet of gas; or the emission of sulfur dioxide from any stack in excess of 1.22 pounds of sulfur dioxide per million BTU actual heat input.

(ii) The Marquette Cement Company or any subsequent owner or operator of the Marquette Cement Company facilities at Lawrence County, Ohio shall not cause or permit the emission of sulfur dioxide in excess of 73.0 pounds of sulfur dioxide per ton of actual process weight input.

(iii) The Dayton Malleable Iron Company or any subsequent owner or operator of the Dayton Malleable Iron Company facilities at Lawrence County, Ohio shall not cause or permit the emission of sulfur dioxide in excess of the rates specified below:

(A) 2.00 pounds of sulfur dioxide per ton of actual process weight input at the holding furnaces.

(B) 5.40 pounds of sulfur dioxide per ton of actual process weight input at the Cupola.

(iv) The Allied Chemical Company or any subsequent owner or operator of the Semet Solvay Division at Lawrence County, Ohio shall not cause or permit the combustion of gases containing a total sulfur content expressed as hydrogen sulfuide in excess of 165 grains of hydrogen sulfide per 100 dry standard cubic feet of gas, or 0.86 pounds of sulfur dioxide per million BTU actual heat input, at tar processing boilers 1, 2, and 3.

(v) The Allied Chemical Company or any subsequent owner or operator of the Specialty Chemicals Division in Lawrence County, Ohio, shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit in excess of 5.52 pounds of sulfur dioxide per million BTU actual heat input.

(37) In Licking County, no owner or operator of any oil-fired steam generating unit(s) shall cause or permit emission of sulfur dioxide from any stack in excess of 1.50 pounds of sulfur dioxide per million BTU actual heat input.

(38) In Lorain County, no owner or operator, unless otherwise specified in this subparagraph, shall cause or permit sulfur dioxide emissions from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 100 million BTU per hour total rated capacity of heat input, the maximum allowable emission rate from any stack shall be calculated by the following equation:

$$EL = 21.176Q_m^{-0.5477}$$

where Q_m is the total rated capacity of heat input in million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating units equal to or greater than 100 million BTU per hour total rated capacity of heat input, the maximum allowable emission rate from any stack shall be 1.70 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The Cleveland Electric Illuminating Co. or any subsequent owner or operator of the Avon Lake Plant in Lorain County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at Avon Lake Plant in excess of 1.15 pounds of sulfur dioxide per million BTU actual heat input.

(iv) In lieu of meeting subparagraph (38)(iii), the Cleveland Electric Illuminating Company may elect, in accordance with the compliance schedule provisions of

§52.1882, to comply with the emission limitations which will satisfy all of the following equations:

(A) $0.0891 (EL_1+EL_2+EL_3+EL_4) + 0.1198 (EL_5+EL_6) + 0.1578 EL_7 + 0.1041 EL_8 \leq 1$

(B) $0.0548 (EL_1+EL_2+EL_3+EL_4) + 0.0676 (EL_5+EL_6) + 0.1067 EL_7 + 0.1240 EL_8 \leq 1$

(C) $0.0909 (EL_1+EL_2+EL_3+EL_4) + 0.1356 (EL_5+EL_6) + 0.1546 EL_7 + 0.0799 EL_8 \leq 1$

(D) $0.0943 (EL_1+EL_2+EL_3+EL_4) + 0.1241 (EL_5+EL_6) + 0.1606 EL_7 + 0.0844 EL_8 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purpose of this regulation each stack is identified as follows:

Stack No.	Boiler identification
1	1 & 2
2	3 & 4
3	5 & 6
4	7 & 8
5	9
6	10
7	11
8	12

(v) The Cleveland Electric Illuminating Co. or any subsequent owner or operator of the Edgewater Plant located in Lorain County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Edgewater facility in excess of 3.40 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The United States Steel Corporation or any subsequent owner or operator of the United States Steel facilities at Lorain County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at those facilities in excess of:

(A) For fossil fuel-fired steam generating units number 001 through 009: 1.20 pounds of sulfur dioxide per million BTU of actual heat input.

(B) For fossil fuel-fired steam generating units number 010 throught 013: 0.50 pound of sulfur dioxide per million BTU of actual heat input.

(C) For all other fossil fuel-fired steam generating units, subparagraph (38)(i) or (38)(ii) shall apply, as applicable.

(vii) The United States Steel Corporation or any subsequent owner or operator of the United States Steel facilities at Lorain County, Ohio shall not cause or permit the combustion of by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide in excess of 75 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 0.40 pound of sulfur dioxide per million BTU of actual heat input with the exception that:

(A) For process operations 033 and 039, the United States Steel Corporation or any subsequent owner or operator of the United States Steel facilities in Lorain County, Ohio, shall not cause or permit the combustion of by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide in excess of 35 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 0.17 pounds of sulfur dioxide per million BTU of actual heat input.

(viii) The General Motors Corporation or any subsequent owner or operator of the Fisher Body Plant at Lorain County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Fisher Body Plant in excess of the rates specified below:

(A) 0.80 pounds of sulfur dioxide per million BTU of actual heat input for boiler number 001 and 002.

(B) 0.90 pounds of sulfur dioxide per million BTU of actual heat input for boiler number 004.

(C) For all other fossil fuel-fired steam generating units, subparagraph (38)(i) or (38)(ii) shall apply, as applicable.

(39) In Lucas County, no owner or operator of the following types of facilities, unless otherwise specified in this subparagraph, shall cause or permit sulfur dioxide emissions from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units burning coal the emission rate shall be 1.50 pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating units burning oil the emission rate shall be 1.00 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The Toledo Edison Company or any subsequent owner or operator of the Bayshore Station in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Bayshore Station in excess of the rates specified below:

(A) 1.20 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam - generating units burning coal.

(B) 0.50 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units burning oil.

(iv) Standard Oil of Ohio or any subsequent owner or operator of the Standard Oil of Ohio facility located in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the rates specified below:

(A) 0.29 pounds of sulfur dioxide per million BTU actual heat input for all process heaters and fossil fuel-fired steam-generating units unless otherwise specified in this subparagraph.

(B) 1.00 pounds of sulfur dioxide per million BTU actual heat input for process heaters or fossil fuel-fired steam-generating units numbered B024.

(C) 0.50 pounds of sulfur dioxide per million BTU actual heat input for process heater or fossil fuel-fired steam-generating unit number B021.

(D) 0.57 pounds of sulfur dioxide per million BTU actual heat input for process heaters of fossil fuel-fired steam-generating units numbered B009, B010, B018, B020, B023, and B025.

(E) 0.92 pounds of sulfur dioxide per 1,000 pounds of charging stock for catalytic cracking units and CO boilers connected to a common stack.

(F) 0.40 pounds of sulfur dioxide per ton of actual process weight input for any process.

(v) [Reserved]

(vi) The Coulton Chemical Company or any subsequent owner or operator of the Coulton Chemical facility in Lucas County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Coulton Chemical facility in excess of the rates specified below:

(A) 0.80 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units or process heaters.

(B) 1.10 pounds of sulfur dioxide per ton of 100 percent sulfuric acid produced for sulfuric acid production units.

(vii) The Toledo Edison Company or any subsequent owner or operator of the Acme Power Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack in excess of the rates specified below:

(A) 3.00 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units burning coal.

(B) 1.00 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units burning oil.

(viii) Gulf Oil or any subsequent owner or operator of the Gulf Oil facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Gulf Oil facility in excess of the rates specified below:

(A) 0.81 pounds of sulfur dioxide per million BTU actual heat input for process heaters or fossil fuel-fired steam-generating units numbered B001, B002, B003, B004, B005, B006, B007, and B008.

(B) 0.60 pounds of sulfur dioxide per million BTU actual heat input for process heater or fossil fuel-fired steam-generating unit B009.

(C) 0.50 pounds of sulfur dioxide per million BTU actual heat input for process heater or fossil fuel-fired steam-generating units B013.

(D) 0.40 pounds of sulfur dioxide per million BTU actual heat input for process heaters or fossil fuel-fired steam-generating unit B014.

(E) 1.85 pounds of sulfur dioxide per 1,000 pounds of charging stock for catalytic cracking units and CO boilers connected to the same stack.

(F) 200 pounds of sulfur dioxide per 1,000 pounds of sulfur processed for sulfur recovery plants.

(G) Gulf Oil or any subsequent owner or operator of facilities located in Lucas County, Ohio shall not cause or permit the combustion of refinery fuel gas at process heaters of fossil fuel gas-fired steam-generating units numbered B010, B011, B012, B015, B017, B018, 8019, and B020 containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per 100 dry standard cubic feet of refinery fuel gas or the emission of sulfur dioxide from any stack at the above units in excess of 0.04 pounds of sulfur dioxide per million BTU actual heat input.

(H) Gulf Oil or any subsequent owner or operator of the Gulf Oil facilities located in Lucas County, Ohio shall operate only one of the units numbered B001, B002, B003 and B004 simultaneously with units numbered B005, B006 or B016.

(ix) The Toledo Edison Company or any subsequent owner or operator of the Water Street Steam Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Water Street Station in excess of 1.06 pounds of sulfur dioxide per million BTU actual heat input.

(x) Phillips Petroleum Company or any subsequent owner or operator of the Toledo Philblack Plant in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Toledo Philblack Plant in excess of the rates specified below:

(A) 4.67 pounds of sulfur dioxide per million BTU actual heat input for any process dryer.

(B) 4.99 pounds of sulfur dioxide per million BTU actual heat input for all fossil fuel-fired steam-generating units, processes and incinerator unless otherwise specified in this subparagraph.

(xi) Interlake Steel or any subsequent owner or operator of the Interlake Steel facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the rates specified below:

(A) 0.10 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units.

(B) 4.00 pounds of sulfur dioxide per ton of actual process weight input for any process.

(xii) Nabisco or any subsequent owner or operator of the Nabisco facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of 1.20 pounds of sulfur dioxide per million BTU actual heat input.

(xiii) The Toledo Hospital or any subsequent owner or operator of the Toledo Hospital in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of 3.50 pounds of sulfur dioxide per million BTU actual heat input.

(xiv) Sun Oil or any subsequent owner or operator of the Sun Oil facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Sun Oil facility in excess of the rates specified below:

(A) Unless otherwise specified in this subparagraph, the combustion of refinery fuel gas containing a total sulfur content expressed as hydrogen sulfide in excess of 10 grains of hydrogen sulfide per

100 dry standard cubic feet of refinery fuel gas or the emission of sulfur dioxide from any stack at this facility in excess of 0.04 pounds of sulfur dioxide per million BTU actual heat input.

(B) 0.0 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units or process operation heaters numbered 502, 504, 1901, 1902, 1903, 1904, 1905, and 1906.

(C) 3.50 pounds of sulfur dioxide per 1,000 pounds of charging stock for catalytic cracking units and CO boilers connected to the same stack.

(D) 1.60 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units or process heaters numbered 301, 304, 507, 508, and 1910 and 113.4 pounds of sulfur dioxide per 1,000 pounds of sulfur processed for sulfur recovery plants.

(E) In leiu of compliance with subparagraph (D) of this subparagraph in accordance with section 52.1882 (b)(4), Sun Oil or any subsequent owner or operator of the Sun Oil facility in Lucas County, Ohio may elect the following emission limitations: 1.00 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units or process heaters numbered 301, 304, 507, 508 and 1910 and 200 pounds of sulfur dioxide per 1,000 pounds of sulfur processed for sulfur recovery plants.

(xv) Seneca Petroleum or any subsequent owner or operator of the Seneca Petroleum facility in Lucas County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at the Seneca Petroleum facility in excess of 1.20 pounds of sulfur dioxide per million BTU actual heat input.

(40) In Mahoning County, no owner or operator, unless otherwise specified in this subparagraph, shall cause or permit the emission of sulfur dioxide in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units: 0.50 pounds of sulfur dioxide per million BTU of actual heat input.

(ii) For process operations: 1.00 pounds of sulfur dioxide per ton of actual process weight input.

(iii) No owner or operator shall cause or permit the combustion of by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 0.68 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The Ohio Edison Company or any subsequent owner or operator of the North Avenue Steam Plant located in Mahoning County shall not cause or permit the emission of sulfur dioxide from any stack at the North Avenue Steam Plant in excess of 2.00 pounds of sulfur dioxide per million BTU of actual heat input.

(v) Lonardo & Sons Greenhouse or any subsequent owner or operator of the Lonardo & Sons Greenhouse facilities located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at Lonardo and Sons Greenhouse in excess of 2.00 pounds of sulfur dioxide per million BTU actual heat input.

(vi) Whiteacre-Greer Fireproofing or any subsequent owner or operator of the Whiteacre-Greer facilities located at Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at Whiteacre-Greer in excess of 20 pounds of sulfur dioxide per ton of actual process weight input.

(vii) The Koppers Company or any subsequent owner or operator of the Koppers Company facilities located in Mahoning County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at Koppers Company in excess of 2.00 pounds of sulfur dioxide per million BTU actual heat input.

(41) In Marion County:

(i) No owner or operator of any process equipment shall cause or permit the emissions of sulfur dioxide from any stack in excess of 4.20 pounds of sulfur dioxide per million BTU actual heat input.

(ii) No owner or operator of any fossil fuel-fired steam generating unit shall cause or permit the emission of sulfur dioxide from any stack in excess of 6.10 pounds of sulfur dioxide per million BTU actual heat input.

(42) In Medina County, no owner or operator of any fossil fuel-fired steam generating unit shall cause or permit the emission of sulfur dioxide from any stack in excess of 8.00 pounds of sulfur dioxide per million BTU actual heat input.

(43) In Meigs County, no owner or operator of any process shall cause or permit the emission of sulfur dioxide from any stack in excess of 11.0 pounds of sulfur dioxide per ton of actual process weight input.

(44) In Mercer County, no owner or operator of any fossil fuel-fired steam generating unit(s) shall cause or permit the emission of sulfur dioxide from any stack in excess of 8.00 pounds of sulfur dioxide per million BTU actual heat input.

(45) In Miami County:

(i) No owner or operator of any fossil fuel-fired steam generating unit, unless otherwise specified in this subparagraph, shall cause or permit the emission of sulfur dioxide from any stack in excess of 3.20 pounds of sulfur dioxide per million BTU actual heat input.

(ii) No owner or operator of any process shall cause or permit the emission of sulfur dioxide from any stack in excess of 65.0 pounds of sulfur dioxide per ton of actual process weight input.

(iii) No present or subsequent owner of the Piqua Municipal Power Plant located in Miami County, Ohio shall cause or permit the emission of sulfur dioxide from any stack in excess of 4.78 pounds of sulfur dioxide per million BTU of actual heat input.

(iv) In lieu of meeting subparagraph (45) (iii), the Piqua Municipal plant may elect, in accordance with the compliance schedule provisions of § 52.1882, to comply with the emission limitations which will satisfy all of the following equations:

(1) $.0730(EL_1+EL_2)+.0628\ EL_3 \leq 1$
(2) $.0700(EL_1+EL_2)+.0663\ EL_3 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.:	Boiler identification
1	1,2
2	3
3	4

(46) In Montgomery County, no owner or operator of any fossil fuel-fired steam generating unit(s), unless otherwise specified in this subparagraph, shall cause or permit sulfur dioxide emissions in excess of the rates specified below:

(i) 1.60 pounds sulfur dioxide per million BTU actual heat input for fossil fuel-fires steam generating units.

(ii) The Dayton Power and Light Company or any subsequent owner or operator of the Yankee Substation and the Monument Substation located in Montgomery County, Ohio, shall not cause or permit the emission of sulfur dioxide from any diesel oil-fired electric generating unit stack at these stations in excess of 0.65 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The Dayton Power and Light Company or any subsequent owner or operator of the Tait Power Plant in Montgomery County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Tait Plant in excess of 1.25 pounds of sulfur dioxide per million BTU actual heat input for coal-fired units and 0.65 pounds of sulfur dioxide per million BTU actual heat input for diesel oil-fired electric generating units.

(iv) The Dayton Power and Light Company or any subsequent owner or operator of the Hutchings Power Plant in Montgomery County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Hutchings Plant in excess of 1.20 pounds of sulfur dioxide per million BTU actual heat input for coal-fired units and

0.65 pounds sulfur dioxide per million BTU actual heat input for diesel oil-fired electric generating units.

(v) In lieu of meeting subparagraph (46) (iv), for the coal-fired units, the Dayton Power and Light Company may elect, in accordance with the compliance schedule provision of § 52.1882, to comply with the emission limitations which will satisfy the following equation:

(1) $0.230\ EL_1+0.297\ EL_2+0.306\ EL_3 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purpose of this regulation each stack is identified as follows:

Stack No.:	Boiler identification
1	1,2
2	3,4
3	5,6

(vi) The Delco Corporation or any subsequent owner or operator of the Moraine facility in Montgomery County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit stack at the Moraine facility in excess of 1.30 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The Defense Electronics Supply facility, or any subsequent owner or operator of this facility in Montgomery County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit stack at the facility in excess of .95 pounds of sulfur dioxide per million BTU actual heat input.

(viii) No owner of operator of any process equipment shall cause or permit the emission from any stack any process gas stream containing sulfur dioxide in excess of 2.60 pounds of sulfur dioxide per ton of actual process weight input.

(47) In Morgan County:

(i) The Ohio Power Company or any subsequent owner or operator of the Muskingum River Power Plant in Washington and Morgan Counties, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Muskingum River plant in excess of 6.48 pounds of sulfur dioxide per million BTU actual heat input.

(ii) In lieu of meeting subparagraph (47) (i), the Ohio Power Company may elect, in accordance with the compliance schedule provisions of § 52.1882, to comply with the emission limitations which will satisfy all the following equations:

(A) $0.0773\ EL_1+0.0622\ EL_2 \leq 1$
(B) $0.0640\ EL_1+0.0902\ EL_2 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i, and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.	Boiler identification
1	1,2,3,4
2	5

(48) In Muskingum County:

(i) The Ohio Power Company or any subsequent owner or operator of the Philo Power Plant in Muskingum County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Philo plant in excess of 1.14 pounds of sulfur dioxide per million BTU actual heat input.

(ii) In lieu of meeting subparagraph (48) (i), the Ohio Power Company may elect, in accordance with the compliance schedule provisions of § 52.1882, to comply with the emission limitations which will satisfy all of the following equations:

(A) $0.3288\ EL_1+0.3301\ EL_2+0.1583\ EL_3 \leq 1$
(B) $0.3588\ EL_1+0.3605\ EL_2+0.1557\ EL_3 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.:	Boiler identification
4	41,42,34,38
5	51,52
6	6

(iii) No owner or operator of any process equipment in Muskingum County, Ohio shall cause or permit the emission of sulfur dioxide from any stack in excess of 58.0 pounds of sulfur dioxide per ton of actual process weight input.

(49) In Ottawa County:

(i) No owner or operator of any fossil fuel steam generating unit shall cause or permit the emission of sulfur dioxide from any stack in excess of 5.90 pounds of surfur dioxide per million BTU actual heat input.

(ii) No owner or operator of any process equipment shall cause or permit the emission of sulfur dioxide from any stack in excess of that permitted by the following equation:

$$EL=47.404P^{-0.520}$$

where EL is the allowable emission rate in pounds of sulfur dioxide per ton of actual process weight input and P is the design process weight input rate in tons per hour.

(50) In Paulding County, no owner or operator of any process equipment shall cause or permit the emission of sulfur dioxide from any stack in excess of 43.0 pounds of sulfur dioxide per ton of actual process weight input.

(51) In Pickaway County:

(i) The Columbus and Southern Ohio Power Company or any subsequent owner or operator of the Picway Power Plant in Pickaway County, Ohio, shall not cause or permit the emission of sulfur dioxide from any stack at the Picway plant in excess of 6.04 pounds sulfur dioxide per million BTU actual heat input.

(ii) In lieu of meeting subparagraph (51) (i), the Columbus and Southern Ohio Power Company may elect, in accordance with the compliance schedule provision of § 52.1882, to comply with the emission limitations which will satisfy all of the following equations:

(A) $0.0764\ EL_1+0.0759\ EL_2+0.0133\ EL_3 \quad 1$

(B) $0.0487\ EL_1+0.0484\ EL_2+0.0522\ EL_3 \quad 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i, and i is the stack number. For purpose of this regulation each stack is identified as follows:

Stack No.:	Boiler identification
1	3
2	4
3	5

(iii) No owner of operator of any oil-fired steam generating unit in Pickaway County, Ohio shall cause or permit the emission of sulfur dioxide from any stack in excess of 0.85 pounds of sulfur dioxide per million BTU actual heat input.

(52) In Pike County, no owner or operator of any fossil fuel-fired steam generating unit shall cause or permit the emission of sulfur dioxide from any stack in excess of 7.00 pounds of sulfur dioxide per million BTU of actual heat input.

(53) In Richland County:

(i) No owner or operator of any process equipment shall cause or permit emissions of sulfur dioxide in excess of 7.10 pounds of sulfur dioxide per ton of actual process weight input.

(ii) The Westinghouse Electric Company, or any subsequent owner or operator of the Westinghouse Electric Company facility at Richland County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 4.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The General Motors Corporation, or any subsequent owner or operator of the Fisher Body Division Plant at Richland County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 3.10 pounds of sulfur dioxide per million BTU of actual heat input.

(iv) The City of Shelby, or any subsequent owner or operator of the Shelby Municipal Power Plant at Richland County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 9.3 pounds of sulfur dioxide per million BTU actual heat input.

(54) In Ross County, The Mead Corporation or any subsequent owner or operator of the Mead Corporation facilities at Ross County, Ohio shall not cause or permit emission of sulfur dioxide from any stack in excess of the following rates:

(i) 4.90 pounds of sulfur dioxide per ton of actual solids input.

(ii) 0.00 pounds of sulfur dioxide per million BTU actual heat input for stacks 1, 2, 3, and 4. For purposes of this regulation each stack is identified as follows:

Stack No.	Boiler identification
1	1
2	2
3	3
4	Chilpalco No. 5

(55) In Sandusky County:

(i) No present or subsequent owner or operator of any fossil fuel-fired steam generator unit(s) shall cause or permit emissions of sulfur dioxide from any stack in excess of 7.00 pounds of sulfur dioxide per million BTU actual heat input.

(ii) The J.E. Baker Company or any subsequent owner or operator of the J.E. Baker Company facilities in Sandusky County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 48.75 tons of sulfur dioxide per ton of actual process weight input.

(iii) The Woodville Lime Company, or any subsequent owners or operator of the Woodville Lime Company facilities in Sandusky County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 8.48 pounds of sulfur dioxide per ton of actual process weight input.

(iv) The Martin Marietta Company or any subsequent owner or operator of the Martin Marietta facilities in Sandusky County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 15.42 pounds of sulfur dioxide per ton of actual process weight input.

(v) The Ohio Lime Company or any subsequent owner or operator of the Ohio Lime Company facilities in Sandusky County, Ohio shall not cause or permit emissions of sulfur dioxide from any stack in excess of 17.04 pounds of sulfur dioxide per ton of actual process weight input.

(56) In Scioto County:

(i) Empire Detroit Steel or any subsequent owner or operator of the Empire Detroit Steel coke oven facility at Scioto County, Ohio shall not cause or permit the combustion of by-product coke oven gas from any stack containing a total sulfur content expressed as hydrogen sulfide in excess of 800 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 4.10 pounds of sulfur dioxide per million BTU actual heat input.

(ii) No owner or operator of any oil-fired steam generating unit shall cause or permit the emission of sulfur dioxide from any stack in excess of 0.60 pounds of sulfur dioxide per million BTU actual heat input.

(iii) No owner or operator of any coal-fired steam generating unit shall cause or permit the emission of sulfur dioxide from any stack in excess of 6.90 pounds of sulfur dioxide per million BTU actual heat input.

(57) In Seneca County:

(i) No present or any subsequent owner or operator of any fossil fuel-fired steam generating unit(s) at Seneca County, Ohio shall cause or permit the emissions of sulfur dioxide from any stack in excess of the limits specified below:

(A) 1.20 pounds of sulfur dioxide per million BTU actual heat input for oil fired units.

(B) 8.20 pounds of sulfur dioxide per million BTU actual heat input for coal fired units.

(ii) No present or any subsequent owner or operator of process equipment, unless otherwise specified in this subparagraph, shall cause or permit the emissions of sulfur dioxide from any stack in excess of 34.0 pounds of sulfur dioxide per ton of actual process weight input.

(iii) The Union Carbide Corporation, or any subsequent owner or operator of the Union Carbide Corporation facilities at Seneca County, Ohio shall not cause or permit emissions of sulfur dioxide from any stack in excess of the limits specified below:

(A) 552 pounds of sulfur dioxide per ton of actual process weight input at the calcining furnace.

(B) 176 pounds of sulfur dioxide per ton of actual process weight input at the activating furnace.

(58) In Stark County, no owner or operator of the following types of facilities, unless otherwise specified in this subparagraph, shall cause or permit emission of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 60.0 million BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 18.48Q_m^{-0.4886}$$

where Q_m is the total rated capacity of heat input in million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating units equal to or greater than 60 million BTU per hour total rated capacity of heat input: 2.50 pounds of sulfur dioxide per million BTU actual heat input.

(iii) Republic Steel Corporation or any subsequent owner or operator of the Massillon facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit stack at the Massillon facility in excess of 4.40 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or any subsequent owner or operator of the Massillon State Hospital facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 5.20 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or anysubsequent owner or operator of the Grief Board Company facilities in Stark Coutny, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 0.50 pounds of sulfur dioxide per million BTU actual heat input.

(vi) The present or any subsequent owner or operator of the Timken Steel Company facilities in Stark County, Ohio shall not cause or permit the emission of sulfur dioxide from any fossil fuel-fired steam generating unit(s) stack at this facility in excess of the rates specified below:

(A) 3.08 pounds of sulfur dioxide per million BTU actual heat input for the stack common to the fossil fuel-fired steam-generating units B001 and B002 at the Gambrinus plant.

(B) 0.93 pounds of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired steam-generating unit B003 at the Gambrinus Plant.

(C) 0.0 pounds of sulfur dioxide per million BTU actual heat input for the fossil fuel-fired steam-generating units B003 and B004 at the Canton Number 5 Plant.

(D) 0.67 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating at the Canton Number 5 Plant unless otherwise specified in this subparagraph.

(vii) No owner or operator of any by-product coke oven operating in Stark County, Ohio shall cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide in excess of 350 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or the emission of sulfur dioxide from any stack in excess of 1.70 pounds of sulfur dioxide per million BTU actual heat input.

(viii) No owner or operator of any process equipment in Stark County, Ohio shall cause or permit the emission of sulfur dioxide from any stack in excess of 80.0 pounds of sulfur dioxide per ton of actual process weight input.

(ix) The Ashland Oil Company, or any subsequent owner or operator of the Ashland Oil Company facilities in Stark County, Ohio shall not cause or permit sulfur dioxide emissions from any stack at this facility in excess of the emission limitations listed below for the different sources.

(A) 1.20 pounds of sulfur dioxide per million BTU actual heat input to the stacks identified by Ashland Oil Company as 4-16-B-11 and 4-9-B-6.

(B) 0.47 pounds of sulfur dioxide per million BTU actual heat input for all process heaters and fossil fuel-fired steam-generating units unless otherwise specified in this subparagraph.

(C) 0.84 pounds of sulfur dioxide per 1,000 pounds of charging stock for catalytic cracking units.

(D) 50 pounds of sulfur dioxide per 1,000 pounds of sulfur processed for sulfur recovery plants.

(59) In Summit County, no owner or operator of the following types of facilities, unless otherwise specified in this subparagraph, shall cause or permit emissions of sulfur dioxide from any stack in excess of the rates specified below:

(i) For fossil fuel-fired steam generating units between 10.0 and 300 million BTU per hour total rated capacity of heat input, the emission rate in pounds of sulfur dioxide per million BTU actual heat input shall be calculated by the following equation:

$$EL = 17.55Q_m^{-0.3993}$$

where Q_m is the total rated capacity of heat input im million BTU per hour and EL is the allowable emission rate in pounds of sulfur dioxide per million BTU actual heat input.

(ii) For fossil fuel-fired steam generating unit(s) equal to or greater than 300 million BTU per hour total rated capacity of heat input, 1.80 pounds of sulfur dioxide per million BTU actual heat input.

(iii) The present or subsequent owner or operator of the Diamond Crystal facility in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 6.10 pounds of sulfur dioxide per million BTU actual heat input.

(iv) The present or subsequent owner or operator of the Akwell Industries facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 3.60 pounds of sulfur dioxide per million BTU actual heat input.

(v) The present or subsequent owner or operator of the Ohio Brass Company facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.20 pounds of sulfur dioxide per million BTU actual input.

(vi) The present or subsequent owner of operator of the Sieberling Rubber Company facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.33 pounds of sulfur dioxide per million BTU actual heat input.

(vii) The present or subsequent owner or operator of the Firestone Tire and Rubber Company facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 1.78 pounds of sulfur dioxide per million BTU actual heat input.

(viii) The present or subsequent owner or oeprator of the B.F. Goodrich Tire and Rubber Company facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.71 pounds of sulfur dioxide per million BTU actual heat input.

(ix) The Goodyear Tire and Rubber Company or any subsequent owner or operator of the Goodyear facilities in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(A) 3.96 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating unit B001 located at Plant I.

(B) 1.80 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating units B002 and B003 located at Plant I.

(C) 1.84 pounds of sulfur dioxide per million BTU actual heat input for all fossil fuel-fired steam-generating units located at Plant II.

(D) 100 pounds of sulfur dioxide per 1,000 pounds of sulfur processed for the sulfur recovery unit(s).

(x) The present or any subsequent owner or operator of the Tecumseh Company facilities in Summit County, Ohio shall not cause or permit sulfur dioxide emissions from fossil fuel-fired steam generating unit(s) in excess of the rates specified below:

(A) 1.70 pounds sulfur dioxide per million BTU actual heat input for coal-fired units, and

(B) 0.70 pounds sulfur dioxide per million BTU actual heat input for oil-fired unit(s).

(xi) The Ohio Edison Company or any subsequent owner or operator of the Ohio Edison Company's Beech Street Power Station in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Beech Street Plant in excess of 2.71 pounds of sulfur dioxide per million BTU actual heat input.

(xii) The Ohio Edison Company or any subsequent owner or operator of the Ohio Edison Company's Gorge Plant in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Gorge Plant in excess of 2.56 pounds of sulfur dioxide per million BTU actual heat input.

(xiii) No owner or operator of any process equipment, unless otherwise specified in this subparagraph, shall cause or permit the emission of sulfur dioxide from any stack containing sulfur dioxide in excess of 17.0 pounds of sulfur dioxide per ton of actual process weight input.

(xiv) PPG Industries or any subsequent owner or operator of the PPG Industries facilities located in Summit County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of the rates specified below:

(A) 1.78 pounds of sulfur dioxide per million BTU actual heat input for fossil fuel-fired steam-generating unit(s).

(B) 0.0 pounds of sulfur dioxide per ton actual process weight input for the kilns.

(60) In Trumbull County:

(i) No owner or operator, unless otherwise specified in the subparagraph, shall cause or permit the emission of sulfur dioxide from any stack in excess of 3.00 pounds of sulfur dioxide per million BTU actual heat input for coal-fired steam generating units.

(ii) No owner or operator, unless otherwise specified in this subparagraph, shall cause or permit the emission of sulfur dioxide from any stack in excess of 1.00 pounds of sulfur dioxide per million BTU actual heat input for oil-fired steam generating units.

(iii) The Republic Steel Company or any subsequent owner or operator of the Republic Steel facilities in Trumbull County, Ohio shall not cause or permit the emission of sulfur dioxide from fossil fuel-fired steam-generating unit number B001 in excess of 1.60 pounds of sulfur dioxide per million BTU actual heat input and from process operation P001 in excess of 1.00 pounds of sulfur dioxide per million BTU of actual heat input.

(iv) Republic Steel Corporation or any subsequent owner or operator of the Republic Steel facilities in Trumbull County, Ohio shall not cause or permit the combustion of by-product coke oven gas containing a total sulfur content expressed as hydrogen sulfide in excess of 300 grains of hydrogen sulfide per 100 dry standard cubic feet of coke oven gas or 1.52 lbs. SO_2/MMBTU actual heat input.

(v) No owner or operator of any proces, unless otherwise specified in this subparagraph, shall cause or permit the emission of sulfur dioxide from any stack in excess of 2.00 pounds of sulfur dioxide per million BTU of actual heat input to the process operation.

(vi) The Ohio Edison Company or any subsequent owner or operator of the Niles Power Plant located in Trumbull County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack in excess of 5.41 pounds of sulfur dioxide per million BTU of actual heat input.

(vii) In lieu of meeting subparagraph (60) (vi), the Ohio Edison Company may elect, in accordance with the compliance schedule provisions of § 52.1882, to comply with the emission limitations which will satisfy the following equation:

(A) $0.0923\ (EL_1+EL_2) \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.:	Boiler identification
1	1
2	2

(viii) The United States Steel Corporation or any subsequent owner or operator of the McDonald Mills in Trumbull County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the McDonald Mills in excess of 0.50 pounds of sulfur dioxide per million BTU actual heat input.

(61) In Tuscarawas County:

(i) The present or subsequent owner or operator of the Dover Municipal Power Plant in Tuscarawas County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 4.60 pounds of sulfur dioxide per million BTU actual heat input.

(ii) No owner or operator of any process shall cause or permit the emission of sulfur dioxide from any stack in excess of 37.0 pounds of sulfur dioxide per ton of actual process weight input.

(62) In Vinton County, no owner or operator of any fossil fuel-fired steam generating unit shall cause or permit the emission of sulfur dioxide from any stack in excess of 4.80 pounds of sulfur dioxide per million BTU actual heat input.

(63) In Washington County:

(i) The Ohio Power Company or any subsequent owner or operator of the Muskingum River Power Plant in Morgan and Washington Counties, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at the Muskingum River Plant in excess of 6.48 pounds of sulfur dioxide per million BTU of actual heat input.

(ii) In lieu of meeting subparagraph (63) (i), the Ohio Power Company may elect, in accordance with the compliance schedule provisions of § 52.1882, to comply with the emission limitatins which will satisfy all the following equations:

(A) $0.0773\,EL_1+0.0622\,EL_2 \leq 1$
(B) $0.0640\,EL_1+0.0902\,EL_2 \leq 1$

where EL_i is the emission limitation (pounds per million BTU) per stack i, and i is the stack number. For purposes of this regulation each stack is identified as follows:

Stack No.:	Boiler identification
1	1,2,3,4
2	5

(iii) The Shell Oil Company or any subsequent owner or operator of the Shell Oil facilities at Washington County, Ohio shall not cause or permit the emission of sulfur dioxide from any stack at this facility in excess of 2.50 pounds of sulfur dioxide per million BTU actual heat input.

(64) In Wayne County, no present or subsequent owner or operator of fossil fuel-fired steam generating units at the facilities listed below shall cause or permit emissions of sulfur dioxide in excess of 7.00 pounds of sulfur dioxide per million BTU actual heat input:

(A) Morton Salt Company
(B) Packaging Corporation of America
(C) Orrville Municipal Power Plant

(65) In Wood County no owner or operator of any fossil fuel-fired steam generating unit or process operation heater shall cause or permit the emission of sulfur dioxide from any stack in excess of 1.10 pounds of sulfur dioxide per million BTU actual heat input.

(39 FR 13542, Apr. 15, 1974, as amended at 41 FR 36328, Aug. 27, 1976; 41 FR 52455, Nov. 30, 1976; 41 FR 27589, May 31, 1977)

(6.0) § 52.1882 Compliance schedules.

(b) Federal compliance schedule for petitioners in Buckeye Power, Inc. et al v. USEPA, No. 76-2090 et al.

(1) Except as provided in paragraph (b) (5) of this section, the owner or operator of any process equipment subject to applicable subparagraphs of § 52.1881 (b) shall comply with the compliance schedule in paragraph (a) (2) of this section.

(2) Any owner or operator of any process equipment subject to applicable paragraphs of § 52.1881 (b) of the Chapter shall take the following actions to comply with the requirements of said regulation with respect to that source no later than the date specified.

(i) 8 weeks from June 17, 1977: Submit preliminary control plans to the Administrator.

(ii) 25 weeks from June 17, 1977: Submit final control plan to the Administrator.

(iii) 34 weeks from June 17, 1977: Award contracts for emissions control systems or process modification, or issue orders for purchase of component parts to accomplish emission control or process modification and notify the Administrator in writing that such action was taken.

(iv) 52 weeks from June 17, 1977: Initiate on-site construction or installation of emission control equipment or process change and notify the Administrator in writing that such action was taken.

(v) 139 weeks from June 17, 1977: Complete construction or installation of emission control equipment or process change and notify the Administrator in writing that such action was taken.

(vi) 154 weeks from June 17, 1977: Complete shakedown operations and performance test of source, submit performance test results to the Administrator and achieve final compliance with §52.1881(b) of this chapter, as applicable.

(3) Except as provided in subparagraph (5) of this paragraph, the owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to §52.1881(b) of this chapter shall comply with the applicable compliance schedule in paragraph (a)(4) of this section.

(4) (i) The owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) or process subject to §52.1881(b) of this chapter who elects to comply with an applicable optional emission limitation specified in §52.1881(b) of this chapter, shall notify the Administrator no later than 17 weeks after June 17, 1977 of the specific emission limitations selected. Failure to select applicable optional emission limitations shall result in the facility being subject to the single uniform emission limitation for all stacks at that facility specified in §52.1881(b). Notice received later than 17 weeks after June 17, 1977 shall be invalid.

(ii) The owner or operator of any fossil fuel-fired steam generating unit(s) subject to applicable subparagraphs of §52.1881(b) of this chapter shall notify the Administrator no later than 17 weeks after June 17, 1977 of his intent to utilize either low-sulfur fuel including blended or washed coal or flue gas desulfurization to comply with the requirements of said regulation.

(iii) Any owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to applicable subparagraphs of §52.1881(b) of this chapter who elects to utilize low sulfur fuel including blended or washed coal to comply with the requirements of said regulation shall take the following actions with respect to that source no later than the date specified:

(A) 17 weeks after June 17, 1977: Submit to the Administrator a projection for ten years of the amount of fuel by types that will be substantially adequate to enable compliance with §52.1881(b) of this chapter, as applicable.

(B) 32 weeks from June 17, 1977: Submit data demonstrating the availability of the fuel meeting the requirements projected in subparagraph (a) to the Administrator.

(C) 36 weeks after June 17, 1977: Submit a statement to the Administrator as to whether boiler modifications will or will not be required. If modifications will be required, submit plans for such modifications.

(D) 50 weeks from June 17, 1977: Let contracts for necessary boiler modifications, if applicable, and notify the Administrator in writing that such action was taken.

(E) 60 weeks after June 17, 1977: Initiate on-side modifications, if applicable, and notify the Administrator in writing that such action was taken.

(F) 118 weeks from June 17, 1977: Complete on-site modification, if applicable, and notify the Administrator in writing that such action was taken.

(G) 122 weeks from June 17, 1977: Achieve final compliance with the emission limitation of §52.1881(b) of this chapter, as applicable, and notify the Administrator in writing that such action was taken.

(iv) Any owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to applicable subparagraphs of §52.1881(b) of this chapter who elects to utilize flue gas desulfurization to comply with the requirements of said regulations shall take the following actions with respect to the source no later than the date specified.

(A) 17 weeks from June 17, 1977: Let necessary contracts for construction and notify the Administrator in writing that such action was taken.

(B) 61 weeks from June 17, 1977: Initiate on-site construction and notify the Administrator in writing that such action was taken.

(C) 145 weeks from June 17, 1977: Complete on-site construction and notify the Administrator in writing that such action was taken.

(D) 156 weeks from June 17, 1977: Complete shakedown operations and performance test on source, submit performance test results to the Administrator and achieve final compliance with §52.1881(b) of this chapter, as applicable.

(5) (i) None of the preceding subparagraphs of this paragraph shall apply to any owner or operator of a source which is presently in compliance with the applicable subparagraphs of §52.1881(b) of this chapter.

(ii) Any owner or operator of a source capable of emitting 100 tons of sulfur dioxide per year from all stacks at any facility who is presently in compliance with the applicable subparagraphs of §52.1881(b) of this chapter shall so certify to the Administrator by four weeks from June 17, 1977.

(iii) Any owner or operator subject to a compliance schedule in this paragraph who elects to achieve compliance by means not covered by this paragraph may submit to the Administrator no later than six weeks from June 17, 1977, a proposed alternative compliance schedule. For process equipment subject to applicable subparagraphs of §52.1881(b) of this chapter no such compliance schedule may provide for final compliance after the final compliance date in subparagraph (2) of this paragraph. For any stack venting any fossil fuel-fired steam-generating unit(s) subject to applicable subparagraphs of §52.1881(b) of this chapter, which will utilize low-sulfur fuel including blended or washed coal to comply with the requirements of said regulations, no such compliance schedule may provide for final compliance after final compliance date in subparagraph (4)(iii) of this paragraph. For any stack venting any fossil fuel-fired steam-generating unit(s) subject to applicable subparagraphs of §52.1881(b) of this chapter, which will utilize flue gas desulfurization to comply with the requirements of said regulations, no such compliance schedule may provide for final compliance after the final compliance date in subparagraph (4)(iv) of this paragraph.

(iv) Any owner or operator of any process equipment subject to applicable subparagraphs of §52.1881(b) of this chapter, who submits an alternative compliance schedule pursuant to §52.1882(b) (5)(iii) of this chapter shall remain subject to the provisions of §52.1882(b)(2) of this chapter until the alternative schedule is approved by the Administrator.

(v) Any owner or operator of any stack venting any fossil fuel-fired steam generating unit(s) subject to applicable subparagraphs of §52.1881(b) of this chapter who submits an alternative compliance schedule pursuant to §52.1882(b)(5) (iii) of this chapter shall remain subject to the provisions of §52.1882(b)(4) of this chapter until the alternative schedule is approved by the Administrator.

(6) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedules in paragraphs (d)(2) or (4) of this section fails to satify the requirements of §52.25 (b) and (c) of this chapter.

(17.0) §52.1884 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations

Pollutant	Class I (ug/m^3)	Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 2975; 40 FR 42012, Sept. 10, 1975)